

Please note: These transcripts are not individually reviewed and approved for accuracy.

BOARD MEETING  
STATE OF CALIFORNIA  
INTEGRATED WASTE MANAGEMENT BOARD

SAN RAFAEL CITY HALL  
1400 FIFTH STREET  
COUNCIL CHAMBERS  
SAN RAFAEL, CALIFORNIA

TUESDAY, SEPTEMBER 12, 2006

9:40 A.M.

TIFFANY C. KRAFT, CSR, RPR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Ms. Margo Reid Brown, Chair

Mr. Jeffrey Danzinger

Ms. Rosalie Mul

Ms. Cheryl Peace

Mr. Gary Petersen

Ms. Pat Wiggins

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Acting Executive Director

Mr. Elliot Block, Staff Counsel

Mr. Mark de Bie, Branch Manager

Ms. Judy Friedman, Deputy Director

Ms. Kristen Garner, Executive Assistant

Ms. Elizabeth Huber, Legislative Director

Mr. Jim Lee, Deputy Director, Special Waste Division

Mr. Howard Levenson, Deputy Director

Mr. Ronald Lew, Staff

Mr. Wes Minderman, Supervisor, Permitting and Enforcement

Mr. Trevor O'Shaughnessy, Supervisor, DPLA

Ms. Lorraine Van Kekerix, Acting Deputy Director

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES CONTINUED

ALSO PRESENT

Mr. Dwight Acey, Citizens Against the Dump Expansion

Ms. Jackie Adams, LEA, San Bernardino County

Mr. Bruce Baum, San Anselmo, Sustainable Marin

Ms. Sue Brown, Marin resident

Ms. June Guidotti, Protect the Marsh

Ms. Marla Hastings, State Parks

Mr. Craig Madsen, State Parks

Ms. Nancy Sancenetti, Solid Waste Management, San Bernardino County

Mr. Alex Soulard, Marin County

Mr. David Yearsley, Friends of Petaluma River

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

INDEX

	Page
I. Call to Order	1
II. Roll Call and Declaration of Quorum	1
III. Opening Remarks	1
IV. Reports and Presentation	
Presentation - Marin County Update	11
Presentation of the Status Update of the Market Assessment Action Plan	17
V. Public Comment	41
VI. Consent Agenda	
VII. Continued Business Agenda Items	
VIII. New Business Agenda Items	
Permitting and Enforcement	
1. Consideration of Revised Full Solid Waste Facilities Permit (Transfer/Processing Facility) for the Marborg C&D Recycling and Transfer Facility, Santa Barbara County -- (Committee Item B)	52
Motion	52
Vote	53
2. Consideration of a Revised Full Solid Waste Facilities Permit (Disposal Facility) for the Victorville Sanitary Landfill, San Bernardino County -- (Committee Item C)	100
Motion	119
Vote	119
3. Consideration of a New Full Solid Waste Facilities Permit (Compostable Materials Handling Facility) for Goodyear Road Composting Facility, Solano County (Committee Item D) -- Pulled	

INDEX CONTINUED

	Page
4. Consideration of a Revised Full Solid Waste Facilities Permit (Disposal Facility) for the Sycamore Landfill, San Diego County -- (Committee Item E)	52
Motion	52
Vote	53
5. Consideration of a New Full Solid Waste Facilities Permit (Large Volume Construction & Demolition/Inert Debris Processing Facility) for Looney Bins/East Valley Diversion, City of Los Angeles -- (Committee Item F)	52
Motion	52
Vote	53
6. Consideration of a New Full Solid Waste Facilities Permit (Large Volume Construction & Demolition/Inert Debris Processing Facility) for Looney Bins/Downtown Diversion, City of Los Angeles -- (Committee Item G)	
7. Consideration of a revised Full Solid Waste Facilities Permit (Transfer/Processing Station) for the Sacramento Recycling and Transfer Station, Sacramento County -- (Committee Item H)	52
Motion	52
Vote	53
8. Consideration of the Grant Awards for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Farm and Ranch Cleanup Account, FY 2006/2007) -- Committee Item I	54
Motion	56
Vote	56
9. Discussion and Request for Rulemaking Direction to Provide an Addition 15-Day Comment Period for Revisions to the Proposed Permit Implementation Regulations -- (Committee Item J)	

INDEX CONTINUED

	Page
10. Overview of Existing Board and LEA Process for Issuing Solid Waste Facilities Permits -- (Committee Item K)	64
Special Waste	
11. Discussion And Request For Rulemaking Direction On Noticing Proposed Revisions To The Regulations For Household Hazardous Waste Forms CIWMB 303a and 303b For An Additional Comment Period Or Consideration Of Adoption Of The Proposed Regulations For Household Hazardous Waste Forms CIWMB 303a And 303b -- (Committee Item B)	
12. Consideration Of Grant Awards For The Targeted Rubberized Asphalt Concrete Incentive Grant Program (Tire Recycling Management Fund, FY 2006/07) -- (Committee Item C)	57
Sustainability and Market Development	
13. Consideration Of The Five-Year Review Report Of The Regional Agency Integrated Waste Management Plan For The Tehama County Sanitary Landfill Regional Agency -- (Committee Item B)	52
Motion	52
Vote	53
14. Consideration Of The Five-Year Review Report Of The Regional Agency Integrated Waste Management Plan For The Sierra County Regional Agency -- (Committee Item C)	52
Motion	52
Vote	53
15. Consideration Of A Request To Change The Base Year To 2004 For The Previously Approved Source Reduction And Recycling Element For The City Of Roseville, Placer County -- (Committee Item D)	52
Motion	52
Vote	53

INDEX CONTINUED

	Page
16. Consideration Of The 2003/2004 Biennial Review Findings For The Source Reduction And Recycling Element And Household Hazardous Waste Element For The Following Jurisdictions (First of Four Items): Alameda: Alameda, Alameda-Unincorporated, Albany, Berkeley, Emeryville, Fremont, Newark, Piedmont, San Leandro, Union City; Alpine: Alpine-Unincorporated; Colusa: Colusa County Regional Agency; Contra Costa: Danville, Lafayette, Martinez, Moraga, Walnut Creek; El Dorado: Placerville; Fresno: Clovis, Fowler, Orange Cove, Reedley; Glenn: Glenn County Waste Management Regional Agency; Humboldt: Blue Lake, Humboldt-Unincorporated; Inyo: Inyo Regional Waste Management Agency; Kern: Shafter, Taft; Kings: Avenal, Kings Waste And Recycling Authority; Lake: Lakeport; Los Angeles: Bradbury, Burbank, Calabasas, Claremont, Cudahy, Diamond Bar, Glendale, Industry, Irwindale, La Mirada, Palos Verdes Estates, Rolling Hills, San Dimas, Santa Fe Springs, South El Monte, Westlake Village; Mendocino: Fort Bragg; Mono: Mono-Unincorporated; Monterey: Carmel-by-the-Sea, Del Rey Oaks, Gonzales, Greenfield, King City, Marina, Monterey, Pacific Grove, Salinas, Sand City; Napa: Napa-Unincorporated, Upper Valley Waste Management Agency; Orange: Costa Mesa, Cypress, Fountain Valley, Huntington Beach, La Palma, Placentia, Seal Beach, Villa Park, Westminster, Yorba Linda; Riverside: Hemet, La Quinta; Sacramento: Isleton, Sacramento County/City Of Citrus Heights Regional Agency; San Diego: Coronado, Del Mar, Encinitas, Escondido, National City, Poway, Solana Beach; San Joaquin: San Joaquin-Unincorporated; San Mateo: Belmont, Burlingame, East Palo Alto, Menlo Park, Millbrae, Woodside; Santa Barbara: Solvang; Santa Clara: Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, Morgan Hill, Palo Alto, San Jose, Santa Clara, Santa Clara-Unincorporated, Saratoga, Sunnyvale; Santa Cruz: Scotts Valley; Shasta: Shasta County Waste Management Agency; Solano: Benicia, Dixon, Suisun City, Vacaville; Trinity: Trinity-Unincorporated, Ventura: San Buenaventura -- (Committee Item E)	52

INDEX CONTINUED

	Page
Motion	52
Vote	53
17. Consideration Of The 2003/2004 Biennial Review Findings For The Source Reduction And Recycling Element And Household Hazardous Waste Element For The Following Jurisdictions (Second of Four Items): Alameda: Livermore, Oakland; Butte: Chico; Contra Costa: Concord, Pittsburg, San Ramon; Fresno: Kingsburg; Kern: Bakersfield, Kern-Unincorporated; Los Angeles: Carson, Covina, Culver City, El Segundo, Lakewood, Long Beach, Malibu, Montebello, Pico Rivera, Rolling Hills Estates, San Fernando, Santa Monica, Signal Hill, Temple City, Vernon, West Covina; Madera: Chowchilla; Marin: Marin County Hazardous And Solid Waste Management Authority; Nevada: Nevada City, Truckee; Orange: Anaheim, Brea, Fullerton, Garden Grove, Irvine, Lake Forest, Santa Ana; Placer: Colfax, Placer-Unincorporated; Riverside: Beaumont, Canyon Lake, Indian Wells, Indio, Norco, Palm Desert, Palm Springs, Perris, Riverside, Riverside-Unincorporated; San Bernardino: Chino Hills, Colton; San Diego: El Cajon; San Luis Obispo: San Luis Obispo County Integrated Waste Management Authority; Santa Clara: Milpitas; Santa Cruz: Santa Cruz, Santa Cruz-Unincorporated, Watsonville; Solano: Rio Vista; Stanislaus: Stanislaus County Regional Solid Waste Planning Agency; Tuolumne: Sonora, Tuolumne-Unincorporated; Yolo: West Sacramento, Winters, Yolo-Unincorporated -- (Committee Item F)	52
Motion	52
Vote	53
18. Consideration Of The 2003/2004 Biennial Review Findings For The Source Reduction And Recycling Element And Household Hazardous Waste Element For The Following Jurisdictions (Third of Four Items): Alameda: Pleasanton; Contra Costa: Clayton, Orinda; Fresno: Selma; Los Angeles: Avalon, La Canada Flintridge, La Habra Heights, La Puente, La Verne, Pasadena, Walnut, Whittier; Monterey: Monterey-Unincorporated; Sacramento: Galt; San	52



INDEX CONTINUED

	Page
Mateo: Portola Valley, Redwood City; Solano: Fairfield -- (Committee Item G)	
Motion	52
Vote	53
19. Consideration Of The 2003/2004 Biennial Review Findings For The Source Reduction And Recycling Element And Household Hazardous Waste Element For The Following Jurisdictions (Fourth of Four Items): Fresno: Firebaugh; Humboldt: Arcata; Los Angeles: Alhambra, Arcadia, Bell Gardens, El Monte, Hawthorne, Huntington Park, Monrovia, Monterey Park, South Pasadena; Madera: Madera-Unincorporated; Orange: La Habra, Orange; Placer: Auburn, Lincoln, Rocklin; Riverside: Calimesa; San Diego: San Diego-Unincorporated; San Francisco: San Francisco; San Mateo: Brisbane; Shasta: Redding; Sonoma: Sonoma County Waste Management Agency -- (Committee Item H)	52
Motion	52
Vote	53
20. Consideration Of Awards For The Reuse Assistance Grants Program (Integrated Waste Management Account, FY 2006/07) -- (Committee Item J)	59
Motion	61
Vote	61
21. Consideration Of Approval Of Allocation Proposal For Recycling Market Development Zone Administrator Training Workshops (Recycling Market Development Revolving Loan Subaccount, FY 2006/07) -- (Committee Item K)	62
Motion	63
Vote	63
Other	
22. Consideration of Allocation Proposals to be Funded from the Integrated Waste Management Account for Fiscal Year 2006-2007	120
Motion	136
Vote	136
Motion	143
Vote	143

INDEX CONTINUED

	Page
Motion	159
Vote	160
Motion	160
Vote	160
Motion	161
Vote	161
Motion	162
Vote	162
Motion	163
Vote	163
23. Consideration of Approval of First Phase of Remediation Project at the Last Rubble Pile Disposal Site Under the Solid Waste Disposal and Codisposal Site Cleanup Program (Solid Waste Trust Fund, FY 2006/2007)	165
Motion	184
Vote	185
IX. BOARD MEMBERS COMMENT	
X. ADJOURNMENT	186
XI. REPORTER'S CERTIFICATE	187

1 PROCEEDINGS

2 CHAIRPERSON BROWN: Good morning. Thank you all  
3 for coming. I'd say welcome to San Rafael, but the Mayor  
4 did that for us, so I will expend that.

5 And wanted to extend a very warm thank you very  
6 much to the Garbarino family for hosting our event  
7 yesterday here in San Rafael. Thank you very much. They  
8 did a fabulous job and just had a wonderful time. And  
9 it's a great celebration for the State to celebrate  
10 meeting our 50 percent. So thank you very much for doing  
11 that.

12 We'd like to call the meeting to order. And  
13 Kristen, if you could call the roll.

14 EXECUTIVE ASSISTANT GARNER: Danzinger?

15 BOARD MEMBER DANZINGER: Here.

16 EXECUTIVE ASSISTANT GARNER: Mulé?

17 BOARD MEMBER MULÉ: Here.

18 EXECUTIVE ASSISTANT GARNER: Peace?

19 BOARD MEMBER PEACE: Here.

20 EXECUTIVE ASSISTANT GARNER: Petersen?

21 BOARD MEMBER PETERSEN: Here.

22 EXECUTIVE ASSISTANT GARNER: Wiggins?

23 Brown?

24 CHAIRPERSON BROWN: Here.

25 Board Member Wiggins is en route. She is stuck

1 in a little bit of traffic. So she will be joining us  
2 shortly. So we'll hold the roll open, please, Kristen.

3 Do we have any ex partes to report at this time?

4 BOARD MEMBER PETERSEN: Yes, Madam Chair. Neil  
5 Mohr, talked to him, and David Crumb.

6 CHAIRPERSON BROWN: Thank you.

7 BOARD MEMBER MULÉ: Madam Chair, I just said good  
8 morning to several people here in the audience, including  
9 George Eowan and the Garbarinos. That's it.

10 CHAIRPERSON BROWN: Thank you.

11 BOARD MEMBER PEACE: I also spoke briefly to Neil  
12 Mohr and said good morning to Joe and Patty Garbarino.

13 CHAIRPERSON BROWN: Thank you. I would like to  
14 at this time request that anybody who has a cell phone if  
15 you could please up put it into the vibrate mode, we would  
16 appreciate that. There are speaker slips in the back of  
17 the room as well as agendas. If anybody would like to  
18 address the Board or speak, we would like to ask you to  
19 fill out a speaker form and bring it to the table on the  
20 side, and we will recognize you at the appropriate time.

21 Now I would like to ask everybody to please stand  
22 for the pledge.

23 (Thereupon the Pledge of Allegiance was  
24 recited in unison.)

25 CHAIRPERSON BROWN: Thank you.

1           And I also at this time would like to announce at  
2 the conclusion of our agenda the Board will be going into  
3 closed session.

4           At this time I would like to go to the Executive  
5 Director's Report. Mark.

6           EXECUTIVE DIRECTOR LEARY: Thank you, Madam  
7 Chair. Good morning and good morning, Members.

8           Just very briefly I have written into my report a  
9 report on the 50 percent events, but I don't know that you  
10 need to be informed about those. I think you view them as  
11 being quite successful. And now that I think they  
12 concluded, we can thank and congratulate Jon Myers for a  
13 series of events that were very well done.

14           (Applause)

15           CHAIRPERSON BROWN: Thank you, Jon.

16           EXECUTIVE DIRECTOR LEARY: Moving from the  
17 subline to the painful, I'd like to report to the Board on  
18 an emergency waiver for Fresno, Kern, Kings, and San  
19 Joaquin County. During the excessive heat throughout  
20 California in July of this year, a high number of  
21 livestock deaths had occurred. Two valley rendering  
22 plants had operational problems during the same time frame  
23 that precluded them from accepting animal carcasses for  
24 processing, resulting in a backlog of livestock at these  
25 facilities. Try not to picture this. This required an

1 emergency declaration of authorized local officials in  
2 Fresno, Madera, Merced, San Joaquin, Sutter, and Tulare  
3 Counties.

4           Four of those counties operating five landfills  
5 submitted a request for emergency waivers to the LEA,  
6 which were granted and allows receipt of increased daily  
7 tonnages, extensions in the hours of operation, increased  
8 traffic, and the acceptance of waste not currently  
9 identified in the existing solid waste facilities permit  
10 to accommodate the type and volume of waste received  
11 during the emergency.

12           When American Landfill in Fresno County expired  
13 on July 11, 2006, the site had received a total of 962  
14 tons of partially rendered livestock carcass materials  
15 from Fresno, Kings, and Tulare County.

16           The Arvin Sanitary Landfill waiver expired on  
17 August 3rd. The remaining three waivers for the Chemical  
18 Waste Management, Inc., Kettleman Hills Facility in Kings  
19 County and the Foothill Sanitary Landfill and the North  
20 County Recycling Center and Sanitary Landfill in San  
21 Joaquin County will remain in effect until November 18th  
22 and November 23rd respectively.

23           And with that, Madam Chair, I'd like to turn it  
24 over to our leg. director -- actually, I'll take any  
25 questions on that emergency waiver before I turn it over

1 to Elizabeth. Okay.

2 I'll turn it over to Elizabeth Huber now that the  
3 legislative session has concluded.

4 LEGISLATIVE DIRECTOR HUBER: Good morning, Chair  
5 Brown and Members.

6 I do want to let you know that this Friday marks  
7 my four month anniversary with the Board. And with that,  
8 I want to just acknowledge my bosses, Mark and Julie, for  
9 the guidance and leadership and mentoring they provided  
10 me, and also staff and the deputies and their managers.  
11 Because when I came on, I didn't know much about the Waste  
12 Board. So I scheduled meetings with each division, and  
13 they were so accommodating and so helpful. So I want to  
14 say thank you to them, and of course all of you and your  
15 wonderful advisors who keep me hopping.

16 So moving on to this report, this is a report  
17 summarizing this year's legislative session. So on the  
18 first page, you're going to see we are a scientific Board,  
19 right, so we don't have a PowerPoint. So sorry for those  
20 who are visitors today. There is a level of  
21 confidentiality.

22 So anyway, moving on. What we wanted to share  
23 with you is that the leg. office during the 2006 session  
24 tracked over 140 bills. And then what you have in front  
25 of you is a breakdown of how we categorize them. First is

1 priority one bills. And what that means is bills that are  
2 adding or amending parts of our Public Resource Code that  
3 effects the Board or where we're mentioned as a partner or  
4 collaborator or a consultant to another State agency or  
5 department. In other words, we must do something.

6 A priority two and three have an indirect impact  
7 as indicated here. And these tend to be bills related to  
8 recycling and solid waste or of a significant interest  
9 that effects agencies we work with such as our agency,  
10 Resources Agency, BDOs, et cetera. And again, it requires  
11 them to do something when they come and ask for help.

12 Priority three in this category are bills that  
13 effect all State agencies or Cal/EPA and its BDOs or  
14 something that's directed from the Governor's office.

15 And then we move to budget bills, pretty obvious.  
16 In this session -- and for those if you don't know, in an  
17 even year it will be an assembly year. All our budget  
18 years in an odd year will be Senate bills. This year  
19 obviously our budget bill was AB, AB 1801. The trailer  
20 bill that effected Environmental Resource Agency was AB  
21 1803. And then our cleanup bill is 1813.

22 And then up in the left corner is our watch  
23 bills. These may be bills of interest. They normally are  
24 spot bills that are introduced at the beginning of session  
25 where we kind of track members of the Committees we



1 follow, because you never know what they'll end up gutting  
2 and amending into one. It's kind of a summary for those  
3 to understand how we categorize in the leg. office.

4           And then if you go to page 2, you're going to see  
5 a breakdown of the way the bill tracking looked for our  
6 priority ones this session. If you start at the top, we  
7 had 6 percent of our bills related to diversion, planning,  
8 and local assistance. Those bills tend to be on how the  
9 Board evaluates local jurisdictions, their overall  
10 progress towards their solid waste diversion goals.

11           The next is legal and admin. And those tend to  
12 be those statewide agencies bills that we are having to --  
13 such as the Public Records Act, things that we have to  
14 adhere to just, because we're a State agency, but not  
15 specific to what we're tasked to do.

16           Office of Education, they tend to be where  
17 they're revising our school grant program.

18           Permitting and enforcement is 26 percent of our  
19 bills. No surprise. And they can be anything from simple  
20 technical changes to our PRC or granting additional  
21 specific local enforcement policies or how the Board may  
22 grant permits for solid waste facilities. And of course,  
23 the overall financial assurance for long-term closure and  
24 post-closure facilities.

25           And then waste prevention and market development

1 is 38 percent, and that's because it's a comprehensive  
2 area that some of you may not realize. This is where our  
3 climate change initiatives fall under, sustainable and  
4 green building standards, our plastic recycling programs  
5 such as RPPC, and other post-consumer material  
6 requirements.

7 Any questions on that?

8 And we won't spend a lot of time, but what I've  
9 done is again broke it up by area. First is the admin,  
10 legal. And again the only bill that is enrolled to the  
11 Governor's office is the one regarding publishing on  
12 websites requests from the public.

13 And then diversion and planning, I think the big  
14 one is the 2206, which requires locals to report on their  
15 multi-family diversion programs and requires the Board by  
16 January 2008 to develop model ordinances for local  
17 jurisdictions. And that's enrolled and headed to the  
18 Governor's office.

19 And going to Office of Education, the big one is  
20 and the only on -- these are all active that have moved to  
21 the Governor's office is AB 1535, and that's the School  
22 Gardens Grant Program, which will require the  
23 superintendent of public instruction to convene an  
24 interagency working group, and that's where we come into  
25 play. And this working group is to advise him or her on

1 encouraging the School Gardens Program. And it actually  
2 has an allocation of 15 million over five years in  
3 funding.

4 A couple of highlights in the permitting and  
5 enforcement section. On page 1 of this section, AB 1688  
6 and AB 1992 are actually double joined. So if AB 1688 is  
7 signed, this defines the persons in local jurisdictions  
8 that are required to enforce illegal dumping. And AB 1992  
9 defines those enforcement provisions.

10 BOARD MEMBER MULÉ: Excuse me, Elizabeth. When  
11 was 1688 signed?

12 LEGISLATIVE DIRECTOR HUBER: According to as of  
13 last Friday -- 1688?

14 BOARD MEMBER MULÉ: Yeah. I see it's enrolled  
15 here.

16 LEGISLATIVE DIRECTOR HUBER: What it means is  
17 when a bill has been enrolled, it has to go back to the  
18 house of origin and it's cleaned up. All strike-outs,  
19 italics is taken out. Then it's sent to the Governor's  
20 desk. The way bills are tracked, they're either in  
21 enrollment and engrossing. This means it's still in the  
22 house of origin. And then it will say Governor's desk,  
23 and then he has until September 30 to do something. This  
24 hasn't reached the Governor yet.

25 BOARD MEMBER MULÉ: It has not been signed by the

1 Governor?

2 LEGISLATIVE DIRECTOR HUBER: No.

3 BOARD MEMBER MULÉ: I thought I heard you say it  
4 was signed.

5 LEGISLATIVE DIRECTOR HUBER: Oh, I'm sorry. What  
6 I said was it's double joined, which means that in order  
7 for AB 1992 to take effect, AB 1688 needs to be signed.  
8 So if he vetoed one and signed the other, it better be  
9 1688.

10 BOARD MEMBER MULÉ: Got it. Okay. Thank you.

11 LEGISLATIVE DIRECTOR HUBER: Any other questions  
12 on any bills in this area?

13 Special waste, I think they're pretty  
14 self-explanatory, unless there's any questions.

15 Waste prevention and market development, I think  
16 the highlight that people have a lot of questions on is AB  
17 32. And where a summary of what we are required to do is  
18 that under the enrolled version of the bill, it codifies  
19 the Climate Action Team as set forth in the Governor's  
20 Executive Order, which we are currently a part of that  
21 team. So any questions on that?

22 Wanted to highlight also AB 2160 also defines the  
23 Governor's Green Action Team and codifies it. And that's  
24 where we also would participate.

25 And that concludes my report, except for the fact

1 that, as we all know, the Governor now has until September  
2 30th to take some action or do nothing on these 27 bills  
3 that relate to the Waste Board. So I believe in October  
4 we'll be giving a final report.

5 CHAIRPERSON BROWN: Great. Thank you, Elizabeth.

6 Anybody have any questions? Thank you.

7 We do have a couple of presentations before we  
8 get to the agenda. And I would like to welcome Jeff  
9 Rawls, who is here on behalf of Marin County to update us  
10 on the Marin County Hazardous Solid Waste Joint Powers  
11 Authority. Thank you for joining us.

12 MR. RAWLS: Good morning. Welcome to Marin.  
13 Thank you for giving me the time to speak to you this  
14 morning and tell you a little bit about what we are doing  
15 here in Marin County.

16 I'm speaking today on behalf of the Marin County  
17 Hazardous and Solid Waste Joint Powers Authority. In  
18 1995, Marin County and all of its city banded together to  
19 form the JPA to provide an efficient, low cost,  
20 coordinated method to enact recycling, reuse, composting,  
21 and disposal programs to meet State requirements. To  
22 achieve our goals, our regional agency created a  
23 public/private partnership with the waste industry. This  
24 partnership did not duplicate what the private industry  
25 was doing well and kept the costs low to the community.

1           In Marin County we already had an involved,  
2 concerned community that embraced environmental  
3 responsibility in recycling. The waste haulers in Marin  
4 were all cooperative with corporate citizens and were  
5 responsive to the community. We are also very unfortunate  
6 to have the recycling facility in San Rafael which is  
7 operated by the Garbarino family. You were there  
8 yesterday, which is on the cutting edge of recycling and  
9 diverting waste from the landfill.

10           The cooperation of all the JPA's member cities,  
11 every city in Marin is a member of our regional agency,  
12 and the county of Marin. The garbage haulers and our  
13 solid waste and resource recovery facilities has allowed  
14 Marin to reach a diversion rate of 77 percent in 2004,  
15 which is recommended for approval on your Board's agenda  
16 today.

17           The JPA was able to achieve this level of  
18 diversion by enacting a work plan which detailed  
19 developing resource reduction, recycling, reuse, and  
20 composting programs, enhanced public education, providing  
21 the reduction of household hazardous waste, and developing  
22 programs to tackle other special waste such as sludge and  
23 universal waste and tires.

24           The JPA looks beyond the plan for new innovate  
25 ways for enhancing Marin and create a sustainable

1 community. In cooperation with the Marin County Public  
2 Works Department, the JPA applied for several grants from  
3 your department and the Department of Conservation.  
4 Applying for the grant has augmented the amount of funding  
5 available to the JPA. The innovative programs include a  
6 permanent household hazardous waste facility which also is  
7 operated by the Garbarino family that's open several days  
8 a week. The JPA funds it. And this facility is partially  
9 funded by SB 20 for all the e-waste.

10 The JPA developed a construction and demolition  
11 debris diversion ordinance that has been adopted by the  
12 County of Marin and many of the cities. Under the  
13 ordinance, new building permits require at least 50  
14 percent diversion of any waste. We also host a lawn mower  
15 buy-back program with cooperation with the Air Resources  
16 Board.

17 With a grant from your Board, the JPA coordinated  
18 two free tire recycling events and collected over 4,000  
19 tires and are planning another event next year.

20 The JPA provides educational outreach for  
21 recycling programs that include full-page ads in the local  
22 press on where to recycle Christmas trees. We have a  
23 website, [marinrecycles.org](http://marinrecycles.org) which offers extensive  
24 recycling data to the community. We have another website  
25 called [marinmax.org](http://marinmax.org) which has coordinated the exchange of

1 over 28,000 pounds of reusable materials.

2 Our staff developed recycling guides which are  
3 available through the SBC Yellow Pages, recycling guide,  
4 and online at [marinrecycles.org](http://marinrecycles.org). On your agenda today is  
5 a reuse grant that if approved will create a program that  
6 will incorporate the reuse of construction/demolition  
7 materials by Marin businesses.

8 In addition to all the above, the county of Marin  
9 has taken many steps within its own organization to  
10 support a sustainable future for the community. The  
11 county offers a price preference for paper that is  
12 postconsumer waste of at least 15 percent. We've put a  
13 financial incentive in recycling.

14 The county garage reuses recycled oil in all its  
15 operations. The garage also has over 20 hybrid vehicles  
16 that uses biodiesel in its trucks, recycled antifreeze,  
17 oil, oil filters, batteries, tires, and refurbished parts.  
18 A photovoltaic system with upgrades and lighting retrofits  
19 have been used to increase energy conservation in many  
20 county facilities.

21 The flood control division of the county promotes  
22 creek protection to the public and maintains creeks for  
23 wildlife protection and flood prevention.

24 The county provides free technical assistance on  
25 renewable energy and green building practices to



1 residential and commercial groups.

2           The use of pesticides has been eliminated within  
3 county buildings and grounds.

4           The county provides discounted bus tickets and  
5 at-cost gas for commuters for greenhouse gasses.

6           The county certified unified program agency  
7 coupons, oversees 770 Marin businesses to ensure handling,  
8 storage, and recycling of hazardous material and waste are  
9 performed correctly.

10           The culmination of all these efforts from the  
11 entire community has allowed Marin to be a leader in waste  
12 diversion. We have done a lot in the county of Marin, but  
13 we are interested in learning more about new innovative  
14 processes. We intend on augmenting our recycling and  
15 reuse efforts as well as looking upstream to prevent waste  
16 at the source. Our staff is on the forefront of being  
17 part of the California Product Stewardship Council, which  
18 is a statewide group of local government officials that  
19 will be funded by grants from your Board. This group is  
20 working on extended use of responsibility legislation but  
21 aims to require product manufacturers to take  
22 responsibility for the proper disposal of their own  
23 merchandise.

24           We have also had the pleasure of working with the  
25 Integrated Waste Management Board on the Market Assessment

1 Action Plan, the next item on your agenda. In fact, Marin  
2 has been the pilot agency used to develop the surveys that  
3 are anticipated to be used statewide in the future. The  
4 survey will be used to develop market for recycled items  
5 in the future.

6 And that's it. Thank you for giving me the  
7 opportunity to tell you a little bit about our programs.  
8 And we look forward to working with you in the future.

9 CHAIRPERSON BROWN: I don't think you left any  
10 stones unturned, Jeff.

11 I would like to acknowledge Member Wiggins who  
12 joined us a little while ago. Thank you for -- Kristen,  
13 if you'll make a note on the roll that she joined us  
14 during Elizabeth's presentation.

15 Does anybody have any questions for Jeff on the  
16 presentation?

17 BOARD MEMBER PETERSEN: I just wanted to say wow.  
18 You guys are doing great stuff. It's a great place up  
19 here. I'm from southern California. We all run around  
20 down here bumping into each other, but you guys really get  
21 it done. It's neat.

22 MR. RAWLES: I think the thing that really makes  
23 us feel good about it is our public/private partnership,  
24 and we are doing it very economically.

25 BOARD MEMBER PETERSEN: And you just keep on

1 going. Thank you very much.

2 BOARD MEMBER PEACE: You really are a model for  
3 the rest of the state. You really are doing great things  
4 here.

5 CHAIRPERSON BROWN: Thank you very much.

6 Now our next presentation this morning will be a  
7 status update on the Market Assessment Action Plan. And  
8 that will be with Trevor O'Shaughnessy, and he will  
9 present Alex Soulard of Marin County. Thank you for  
10 joining us.

11 SUPERVISOR O'SHAUGHNESSY: Technical delays. I  
12 apologize.

13 (Thereupon an overhead presentation was  
14 presented as follows.)

15 SUPERVISOR O'SHAUGHNESSY: Good morning, Madam  
16 Chair and members of the Board. My name is Trevor  
17 O'Shaughnessy, and I'm representing the MAAP Action Team  
18 that is working on pulling together the pieces to  
19 understand the flow of materials within the state of  
20 California.

21 --o0o--

22 SUPERVISOR O'SHAUGHNESSY: The action plan was an  
23 element that the Board took action on approximately 18  
24 months ago to ask for staff to evaluate and look at the  
25 materials and flow within the state of California. We

1 were focusing on a pilot program for counties, which I'm  
2 going into additional as I move through the presentation,  
3 but the overall benefits is to benefit local government,  
4 businesses, and the Integrated Waste Management Board.

5 --o0o--

6 SUPERVISOR O'SHAUGHNESSY: The nature of the  
7 priority for the MAAP project is to help develop tools for  
8 the Board to move forward in the future with both market  
9 development as well as overall diversion of materials from  
10 California's landfills.

11 We are working on identifying barriers and future  
12 opportunities for the development of markets throughout  
13 the state of California to look at the infrastructure and  
14 the barriers to potentially achieving zero waste within  
15 the state of California.

16 --o0o--

17 SUPERVISOR O'SHAUGHNESSY: We also worked on and  
18 are working on a methodology to implement statewide to  
19 achieve an overall understanding of the markets, the  
20 flows, both into landfills, as well as the flows into the  
21 business industry and industry.

22 The Integrated Waste Management Board is hoping  
23 and staff is hoping that at the conclusion of this project  
24 that it will help better focus our assistance with local  
25 government and the businesses within the state of

1 California and to further understand the waste  
2 characterization studies and how those studies are  
3 implemented.

4 --o0o--

5 SUPERVISOR O'SHAUGHNESSY: The current status of  
6 our project and the overall effort.

7 --o0o--

8 SUPERVISOR O'SHAUGHNESSY: Through the  
9 implementation of the MAAP program, although there's many  
10 materials within the commodity flows, we were looking at  
11 the materials that make up the majority of materials  
12 within California's landfills as disposal, which includes  
13 the paper and three specific commodities organics, with a  
14 focus on food waste as a major component of California's  
15 landfills.

16 --o0o--

17 SUPERVISOR O'SHAUGHNESSY: There's also C&D,  
18 plastics, and plastic films, plastic materials making up a  
19 large volume of materials in California landfills. All of  
20 these materials that are being specifically identified  
21 within our pilot program are making up approximately  
22 50 percent of those materials disposed within California's  
23 waste stream.

24 --o0o--

25 SUPERVISOR O'SHAUGHNESSY: In implementing the

1 overall task, we had gone through a process of listing and  
2 identifying the available resources that the Board had  
3 when we started the overall project. We looked at  
4 studies, reports, data, all information that staff had  
5 available to us to assure that we could understand what  
6 our current status was and understanding of the overall  
7 waste stream.

8 We developed flow charts to understand to put on  
9 paper our understanding of the flow of materials within  
10 the state of California as staff was understanding it at  
11 the time that we went through those.

12 --o0o--

13 SUPERVISOR O'SHAUGHNESSY: Two flow charts I want  
14 to present to you today, and some of this you've seen  
15 previously, is this one. The first on -- I apologize for  
16 the small text. But it's a flow of C&D materials.  
17 Primarily, carpet is one material. It's a single  
18 commodity, but it's very streamlined or straightforward  
19 flow from the making of the carpet to collection or  
20 pulling out the materials during a deconstruction or a  
21 remodeling, and the flow of that material into all the  
22 potential markets, including disposal.

23 --o0o--

24 SUPERVISOR O'SHAUGHNESSY: But if we look at just  
25 plastic film, plastic film can be very convoluted and very

1 complex within its flow. Materials are collected, and  
2 they go back to a point of collection sometimes within the  
3 flow of that material to then work their way to market.

4 So there's this difficulty and a complexity of  
5 the flow of materials and multitude of end points that all  
6 material can go to within that flow. It's taking that  
7 understanding and moving forward to try to better  
8 understand the markets within California of materials and  
9 their point of generation.

10 --o0o--

11 SUPERVISOR O'SHAUGHNESSY: Through the MAAP  
12 project, originally the entire project was going to be  
13 looking at statewide evaluation of the flow of materials.  
14 But the MAAP team, which constituted a cross divisional  
15 group of individuals from both the Markets Division; the  
16 P&E Division; the Diversion, Planning, and Local  
17 Assistance Division; and in part Admin as well all come  
18 together to form a team. And there are 16 members that  
19 are looking at working on this entire project. And that  
20 team looked at everything and said, wow, what a huge task  
21 to try to take on the state at one time. So we got  
22 direction from Mark Leary and said, let's do a pilot  
23 program and focus it down to identify the tools so we can  
24 move forward.

25 --o0o--

1           SUPERVISOR O'SHAUGHNESSY: The team identified  
2 four counties to look at. Those counties included Marin,  
3 San Francisco, Sacramento, and San Joaquin. Those four  
4 are selected. The first two, Marin and San Francisco,  
5 because of their understanding of the waste flow. You've  
6 already heard and you've seen between yesterday's  
7 activities and today's presentation that Marin really  
8 understands their waste stream. And they have a good  
9 understanding and handle on what's moving forward.

10           So we asked Marin if they could partner with us  
11 to help test our tools we had developed to this point.  
12 And I'll be addressing those tools as I go through the  
13 presentation.

14           Sacramento and San Joaquin, they have a more  
15 complex understanding of the waste stream. I'm not  
16 picking on Sacramento, but within Sacramento you have the  
17 city, you have the county. You have Folsom. You have  
18 Citrus Heights. You have a lot of jurisdictions that  
19 aren't cooperatively working to meet the same outcome and  
20 means.

21           What we've done with these tools, we're hoping to  
22 move forward into Sacramento to then test it if you will a  
23 more complex setting to see how those can come together to  
24 understand the market flows of materials, both disposal  
25 and recyclability and the market availability.



1           The development of survey tools was a joint  
2 project again within the Board, but we also hired Humboldt  
3 State University as a contractor. The Board approved them  
4 as an expert within the field of surveying. Humboldt  
5 State was identified, and they provided us both an  
6 evaluation of our developed tools and direct feedback  
7 based on their expertise of implementing surveys, but they  
8 also piloted it within Humboldt County itself and went out  
9 with students and interns to implement the survey just to  
10 test and see what it was. We got valuable feedback back  
11 from that overall implementation. We altered our surveys  
12 and implemented that within Marin County.

13                               --o0o--

14                               --o0o--

15           SUPERVISOR O'SHAUGHNESSY: The survey questions  
16 within all the material types have a common thread  
17 throughout them, although there's specific information for  
18 each material, whether C&D and plastics. But we're asking  
19 about the flow of materials both in and out of the county,  
20 not only disposal, but also the flow of the commodity  
21 materials. So if plastics are collected, what is that  
22 coming in and how is it being generated, consolidated  
23 within the country. And where is it moving out to, out of  
24 the county and the percentages related to that.

25           We're also looking at the end use of collected

1 materials. Where are they going, whether it's going into  
2 the Japan market or Pacific boarder or is it going into a  
3 specific use within the state of California or anywhere  
4 else.

5 We're looking at the current barriers to  
6 operation. And we're asking specific questions, what are  
7 your current barriers? And what do you foresee in the  
8 future as barriers to you as an industry? If we were to  
9 collect all of the plastic out of California's waste  
10 stream, what would be the barrier for you to work with  
11 that type of material?

12 And then we're asking for recommendations to  
13 increase markets. We're asking our survey individuals  
14 what is it that you would want to see done to increase  
15 those markets and availability?

16 --o0o--

17 SUPERVISOR O'SHAUGHNESSY: We've been  
18 implementing, developing site visits. We've been  
19 performing the surveys with the local government to get an  
20 understanding from them, the generators, the haulers, the  
21 processors, and other entities that have been identified  
22 within the pilot areas.

23 Again, all the information presented today, our  
24 focus has been within Marin. We're trying to pilot our  
25 pilot, if you will, test our tools to make sure that we

1 have an efficiency so when we go in the field, we have a  
2 good implementation and are able to gather strong data for  
3 it.

4 --o0o--

5 SUPERVISOR O'SHAUGHNESSY: Major response to the  
6 survey in Marin is listed up here. I'm not going to go  
7 through the whole list, but the businesses within Marin  
8 have been very cooperative and been very willing to work  
9 with us to this point. There's some questions about why  
10 we're asking information and specific questions. And  
11 we're overcoming that by looking at our surveys and  
12 looking at the way it might necessarily need to be  
13 reevaluated.

14 --o0o--

15 SUPERVISOR O'SHAUGHNESSY: But to date we've been  
16 able to identify the flow of materials. The first two  
17 maps are the flow of disposed materials within the state  
18 of California. Marin is handling in their landfills  
19 within the Marin County area 75 percent of their disposed  
20 materials. The rest of it is primarily going to Solano  
21 and Contra Costa with a few other materials going into  
22 other neighboring counties. But the majority of the  
23 materials are staying within a very close transportation  
24 area.

25 --o0o--

1           SUPERVISOR O'SHAUGHNESSY: The secondary slide is  
2 showing the flow of materials into Marin's landfills.  
3 This is specifically the Marin facility landfills within  
4 the county. Marin itself and the Marin landfill is 48  
5 percent of the materials are coming into the landfills of  
6 Marin. But the surrounding counties that are identified  
7 here are also transporting materials to the county of  
8 Marin for disposal. You'll see some of the areas that  
9 have less than one percent Nevada, Humboldt, and others,  
10 those specific entities might have a specific or special  
11 waste type that's being transported down. But it's being  
12 identified within the services and the data collection  
13 process of where the materials are coming in from.

14                               --o0o--

15           SUPERVISOR O'SHAUGHNESSY: A preliminary review  
16 of the data that's been received to date and looking at  
17 the specific materials, we'll look at C&D. And I  
18 understand through the presentations that we've already  
19 heard today there's requests coming forward to Marin for  
20 grants for other purposes to further enhance their  
21 programs. And although numbers are looking very favorable  
22 within the Marin County area, additional resources are  
23 always a value to further enhance the overall programs.  
24           But the C&D, what has been identified to date,  
25 and this is not all inconclusive and it is preliminary

1 data from the surveys received to date, is 177,000 tons of  
2 materials has been collected, of which 101 tons is being  
3 used within the marketplace. Ninty-eight percent of the  
4 C&D is being used within the country, with two percent  
5 being transported out of the country.

6 Now there is a difference between those two  
7 numbers, and this statement is going to go through all the  
8 material types that I go through. And this is why it's  
9 preliminary. We're working with our survey respondents to  
10 date to understand in this case what has happened to the  
11 other 76,000 tons. Is it material that's truly  
12 unmarketable, or is there a miscommunication within our  
13 survey and is the cleanup need necessary there?

14 --o0o--

15 SUPERVISOR O'SHAUGHNESSY: Looking at green waste  
16 materials, the Marin Resource Recovery Facility has been  
17 very cooperative within our survey process. And within  
18 that facility, they're processing over 34,000 tons of  
19 material. Of that, 3,500 tons plus is made into a  
20 valuable soil amendment. Another portion goes to ADC and  
21 the final portion is going off to boiler fuel. But they  
22 have a huge recovery as well as a beneficial reuse of the  
23 materials within the marketplace.

24 Looking at the Bolinas-Stinson Resource Recovery  
25 Program, although they're not as significant, it does show

1 where we're working on trying to clean up the preliminary  
2 data. They're processing 4,000 tons, but they have 2,500  
3 tons that they've reported to us that's making a product  
4 that's going into the marketplace. We're working to  
5 clarify both the survey tools as well as the information  
6 so that we can move forward with the overall project.

7 --o0o--

8 SUPERVISOR O'SHAUGHNESSY: Within the food waste  
9 realm, which was really new territory to survey, not a new  
10 territory for us to work with as Board staff. So when we  
11 went out with our survey, they looked at it and said, yes,  
12 we have this information. But no one has asked for it in  
13 the way we're asking for it. They're working on  
14 consolidating that information to provide it to us.  
15 There's preliminary information I just learned about this  
16 morning that is the hard numbers. But you know, it's just  
17 a portion of it. And I don't have anything additional to  
18 present from that standpoint on food.

19 --o0o--

20 SUPERVISOR O'SHAUGHNESSY: Preliminary  
21 information on paper and plastic. Staff, we did not have  
22 the opportunity prior to this information to evaluate and  
23 review the goldmine of information that we again received  
24 from the Marin Processing Facility. They are the number  
25 one primary responder for the paper and plastics. But we

1 are working on refining and following up with Marin and  
2 the other businesses so that we can better understand  
3 that, make sure our survey tool is on solid foundation to  
4 then present that information to you as well.

5 --o0o--

6 SUPERVISOR O'SHAUGHNESSY: Throughout this  
7 process, we did partner with the Marin Joint Powers  
8 Authority. And as part of our presentation, before we go  
9 into the last part of our overall puzzle which is the GIS  
10 system, I would like to invite Alex Soulard to the  
11 microphone. He's been our direct partner from the Joint  
12 Powers Authority to help us implement the overall program.

13 MR. SOULARD: Hello. As you mentioned, I'm Alex  
14 Soulard with Marin County Hazardous Solid Waste Management  
15 Authority.

16 Marin has a unique social atmosphere that's  
17 highly concerned with environmental issues. Recycling and  
18 reuse have become an everyday part of our lives, but we  
19 are not completely sure what our recycled goods actually  
20 become.

21 The Joint Powers Authority is pleased to be part  
22 of the Materials Assessment Action Plan. We hope that  
23 some of our deeper questions about recycling can be  
24 answered and that our new knowledge can be used to improve  
25 our current practices.

1           Marin has served as a candidate for implementing  
2 the program, because our regional agency continuously  
3 tracks our diversion and disposal for the State's  
4 generation-based reporting method. We are able to utilize  
5 our databases and contracts we have already developed to  
6 compile tonnages for the recycled goods throughout Marin.

7           Also, the Marin County Hazardous and Solid Waste  
8 Management JPA has worked in cooperation with the areas'  
9 haulers and facility operators for years to facilitate a  
10 low cost successful recycling program throughout the  
11 county.

12           Since we have a good relationship with our  
13 haulers, we're able to easily coordinate and facilitate  
14 surveys to them. Although we do not have all the  
15 information that the Board requires, we can try to work to  
16 get more information on the specific goods and their end  
17 use. And we'll also try to figure out what information is  
18 proprietary from the haulers.

19           It's been an experience working with the  
20 Integrated Waste Management Board on this plan. Aside  
21 from a few miscommunications, the execution of the plan  
22 has gone very smoothly. I believe that working on this  
23 program further will be a rewarding experience for our  
24 county.

25           I found your staff to be friendly, goal oriented,



1 and easy to work with. The JPA intends to provide  
2 continuous support for the future by allocating whatever  
3 staff time we can, and we are interested in seeing the  
4 results of the program. Thank you.

5 CHAIRPERSON BROWN: Thank you very much. We  
6 appreciate that. I'm sure the staff does as well. But we  
7 truly appreciate your coordinated effort. It's assisting  
8 us in developing the program. So we really appreciate  
9 that.

10 SUPERVISOR O'SHAUGHNESSY: The cooperation has  
11 been invaluable. And we're really building that into the  
12 piece of the puzzle that in order for this to truly move  
13 forward is to get that cooperative effort to move forward.

14 --o0o--

15 SUPERVISOR O'SHAUGHNESSY: The last piece of my  
16 presentation is to evaluate the GIS system. Throughout  
17 this program and as staff working as the MAAP team, we  
18 said, well, to collect the information is one thing. But  
19 to make it readily available to help all of the entities  
20 involved is really a value. So with that, the Integrated  
21 Waste Management Board made a decision to allocate \$75,000  
22 to the effort. Rather than going to outside contract  
23 services, all of the funds were brought internally. And  
24 our IMB department has been doing the works on the GIS  
25 development system. And it's been going very well and

1 very smoothly to date. We will be providing future  
2 updates of the overall implementation of the GIS system,  
3 but I'm presenting to you just a few slides to present  
4 what technology and how we're planning to use this.

5 --o0o--

6 SUPERVISOR O'SHAUGHNESSY: The first slide is the  
7 statewide projection. It's dots on the map to show the  
8 landfills within the state of California. Very big  
9 picture, a great opportunity to show where facilities and  
10 resources are available.

11 --o0o--

12 SUPERVISOR O'SHAUGHNESSY: The secondary slide,  
13 we start focusing in on information. And at this point, I  
14 do recognize that it's just lines on a map and dots on a  
15 map. But as I go into this presentation, we will be  
16 showing you the capabilities of the enhancement we're  
17 building into our GIS capabilities.

18 In this particular slide, we're looking at the  
19 composting facilities. These are the three primary  
20 composting facilities that are working with us on  
21 developing our survey to date. As you can see, they're  
22 servicing at least a ten-mile radius area that is  
23 representing a full coverage within the Marin County area.  
24 So now we're starting to get a picture and understanding  
25 that composting is probably well covered within the

1 county, so how can we get the materials to that flow. And  
2 we have now the in-flow.

3 The other part of the survey that I don't have or  
4 part of the GIS system that we don't have the full data  
5 would be showing by aerials the flow of materials where  
6 it's going to, very similar to the previous maps that we  
7 showed.

8 --o0o--

9 SUPERVISOR O'SHAUGHNESSY: The secondary map is  
10 the DOR, the bottle bill collection sites. The yellow dot  
11 in the center of the circle is the Marin Processing  
12 Facility, the primary processor with a ten-mile  
13 convenience collection point. They have an incredibly  
14 strong curbside program, but the dots on the map show  
15 where the DOR collection facilities are and the  
16 capabilities of collecting materials within the state of  
17 California and Marin proper.

18 --o0o--

19 COMMITTEE MEMBER WIGGINS: Where is that?

20 SUPERVISOR O'SHAUGHNESSY: Sorry?

21 COMMITTEE MEMBER WIGGINS: Where was the site  
22 that you just showed?

23 SUPERVISOR O'SHAUGHNESSY: The previous slide,  
24 the yellow dot is the Marin facility.

25 COMMITTEE MEMBER WIGGINS: Oh, this is Marin.

1 Okay.

2 SUPERVISOR O'SHAUGHNESSY: I'm sorry,  
3 Ms. Wiggins. At the bottom of the developed website, down  
4 on the bottom lists the facilities and their addresses,  
5 which is a part of the GIS developed system. So as an  
6 external user, you would be able to not only get dots on  
7 the map, but you get a list of facilities that are on the  
8 bottom of the website, additionally. And this is only  
9 PowerPoint. But if we were live on the web, you could  
10 click on a dot and it will zoom in on that facility and  
11 give you all available information for that facility. So  
12 as a DOL collection facility, they talk about they collect  
13 aluminum cans, plastic containers, whatever those  
14 materials are available in the database would then be  
15 presented as an external user. As a resident of the state  
16 of California, you would have a map, be able to find  
17 yourself, and move forward.

18 Did that help address the question?

19 COMMITTEE MEMBER WIGGINS: Yeah. That's fine.

20 SUPERVISOR O'SHAUGHNESSY: So with that, again  
21 these are dots on a map with lines. But through the  
22 integration of the entire system, we're going to be  
23 integrating satellite imagery with the dots on the map.  
24 So as you move forward, not only can you identify a  
25 facility, but you're --

1 --o0o--

2 SUPERVISOR O'SHAUGHNESSY: -- able to see things  
3 from the air and visually see where things are. You can  
4 zoom in on a facility and not only see what the facility  
5 looks like from that standpoint, but you can see what the  
6 Marin Processing Facility is and where the materials are.

7 As Board staff, you can get a preliminary review  
8 of what's going out there. As Board members, if you're  
9 going to a landfill or facility, you can get a general  
10 understanding of the lay of the land as a facility. But  
11 as a user, you can understand what's going on at the  
12 facility as well.

13 --o0o--

14 SUPERVISOR O'SHAUGHNESSY: At this point, I'd  
15 like to turn it over to Lorraine Van Kekerix, the Deputy  
16 that is charged with moving this entire project forward  
17 for our next steps for the entire project.

18 CHAIRPERSON BROWN: Thank you, Trevor.

19 Hi, Lorraine.

20 ACTING DEPUTY DIRECTOR VAN KEKERIX: Thank you.  
21 Hi, Board members.

22 --o0o--

23 SUPERVISOR O'SHAUGHNESSY: I think we're making  
24 some very good progress and gathering information for the  
25 Market Assessment Action Plan. I wanted to cover some of

1 the things that we have relied on as well as some next  
2 steps that seem to be applying to all the material types.

3 First of all, the whole project was helped  
4 greatly by work with Riverside County which recently  
5 released a report which it's now public, and we can  
6 release it. I just got the word yesterday that we can  
7 make it public. They looked at green and woody waste  
8 processing in terms of addressing organics issues in  
9 Riverside County. And what they found in their study has  
10 helped us on ours.

11 First of all, one of the key issues that they  
12 identified was that it takes time to get good information  
13 and that it takes many follow-up visits and conversations  
14 to come up with a complete picture. So we've made a good  
15 start. And we're going to be continuing those  
16 conversations and continuing to do the site visits to  
17 develop a more complete picture for you.

18 The second thing that Riverside found is where  
19 they had permit conditions that required data to be  
20 provided to the county, they could get more and better  
21 data more quickly. We're very lucky here in Marin County  
22 that they have very close public/private partnerships and  
23 that the private entities most of them are working with  
24 the county and used to providing data. We'll have to see  
25 what holds up as we look at the rest of the state and

1 whether they have those close partnerships and whether  
2 we'll be able to get the data as quickly.

3           One of the things they also found in Riverside  
4 was that different facilities had different levels of data  
5 and comfort in releasing the data. Some of the facilities  
6 took a look at what it was operationally. If they went  
7 through a process and something came out at the end, even  
8 if it was five or six material types mixed together, they  
9 lumped it all together.

10           So we need to work to figure out the balance  
11 between figuring out what the material types are, because  
12 an individual material type like asphalt will be dealt  
13 with differently than concrete, even though the whole  
14 might be called C&D materials. So we need to work both on  
15 refining the kinds of questions we ask, the approach we  
16 take, and figuring out the balance on what information is  
17 proprietary and what is not.

18           Some of the comments from the team -- and we've  
19 had a lot of team members devoting a lot of time to this  
20 were they thought that working with this JPA increased the  
21 willingness of people to work with us. It gave us  
22 legitimacy to be asking questions when we were working  
23 through the JPA. And they believe that we should consider  
24 that in the recommendations that we ultimately come up  
25 with for you in terms of developing a good working model.

1           We still have a lot of clarification to do. One  
2 of the major questions for all of the material types,  
3 except maybe the C&D that's used mostly within county, is  
4 where does this material go once it gets to the broker?  
5 That is still an area where we need to ask a lot of  
6 refining kind of questions. So we will be working on  
7 that. And we believe as we move forward on this that we  
8 will be developing an approach that will ensure we have  
9 future success with this project as it goes broader. And  
10 we'd be happy to answer any questions.

11           CHAIRPERSON BROWN: Lorraine, that was fabulous.  
12 And Trevor, great program presentation. Very excited  
13 about this.

14           Member Wiggins has a question. If you want to  
15 just stay at the microphone.

16           COMMITTEE MEMBER WIGGINS: Why did you choose  
17 Humboldt State to do the evaluation and the field studies  
18 in northern California?

19           SUPERVISOR O'SHAUGHNESSY: Humboldt State was  
20 identified as one of the nation's top survey developers.  
21 They do a lot of work with a lot of both private and  
22 public entities throughout the state of California. And  
23 they were available to do the work. Some other campuses,  
24 universities throughout the state of California, their  
25 availability and timing to assist in our project did not



1 meet our specific time line. So a combination of many  
2 aspects came together to identify Humboldt as an available  
3 resource.

4 COMMITTEE MEMBER WIGGINS: I'm glad to hear about  
5 the flexibility and all the different kinds of programs  
6 that Humboldt State provides.

7 CHAIRPERSON BROWN: Any other questions?

8 Mr. Petersen.

9 BOARD MEMBER PETERSEN: I'd like to say to you,  
10 Trevor and Lorraine, and the staff and the Joint Powers,  
11 this is amazing. This is what we need to do. And I'm  
12 really excited about what you're up to. As a matter of  
13 fact, I'd like to get caught up more in what's going on.  
14 It's great stuff.

15 CHAIRPERSON BROWN: Thank you, Gary.

16 Rosalie.

17 BOARD MEMBER MULÉ: Thank you, Madam Chair.

18 I just want to commend staff on a job well done.  
19 We've had a lot of conversation about this over the years,  
20 Mark, myself, and all of you. And I want to thank the JPA  
21 for your cooperation with this, because I know that some  
22 of this information is difficult to get for a number of  
23 reasons. Some of the information is proprietary. So we  
24 may not get all the information that we hope to get.

25 But also I know that there's this feeling of why

1 does the State want this information from us. And again,  
2 we appreciate your cooperation with sharing the  
3 information. Because really what we're trying to do here  
4 is better understand how we can better assist the local  
5 jurisdictions in maximizing the development of their  
6 infrastructure as well as the development of expanding  
7 markets.

8 So keeping that big picture goal in mind, just  
9 keep doing what you're doing. And again, I will now  
10 publicly offer my assistance in any way that I can. So  
11 thank you for a job well done.

12 CHAIRPERSON BROWN: Thank you.

13 Member Danzinger.

14 BOARD MEMBER DANZINGER: Yeah. Let me just echo  
15 what my colleagues said. Great presentation, Trevor,  
16 Lorraine. Great work.

17 I'm looking forward to getting more up to speed  
18 on this too and participating in any way. I think this is  
19 one of the most important things that we're doing at the  
20 Board among everything that we're doing, because virtually  
21 everything that we're talking about now in terms of where  
22 we go from here, markets is the backdrop to that, if not  
23 the forefront. So keep it up and let's drive forward.  
24 Thank you.

25 CHAIRPERSON BROWN: Thank you.

1           Okay. Great presentation. At this time we will  
2 move to the public comment period of our agenda, and we  
3 have several speakers. Given the length of our agenda and  
4 the number of speakers, I would like to invite the  
5 speakers to the microphone and ask you to please hold your  
6 comments to about four minutes each.

7           Our first speaker is June -- I apologize --  
8 Guidotti. Thank you.

9           You can pull the arm all the way down if you  
10 want.

11           MS. GUIDOTTI: Good morning, Chair Brown and  
12 Board members. I'm June Guidotti, and I live at 3703  
13 Scally Road in Suisun, California.

14           My family owns 152 acres that has been in our  
15 family for 90 years. Our land is located in secondary  
16 management area that is the buffer to the Suisun Marsh and  
17 zoned for agriculture use. The land has been used for  
18 raising sheep, cattle, and providing habitat for the  
19 variety of wildlife species. We are the closest residence  
20 to the Potrero Hills Landfill. And the landfill is  
21 located within 87,000 acres of the Suisun Marsh and is  
22 protected by the Suisun Marsh Preservation Act.

23           As I have only a few minutes today, I will  
24 highlight several issues from my letter and submit my  
25 entire letter for you for your later review. I'm here

1 today to provide background information to you and your  
2 staff prior to the October Committee and Board meeting and  
3 proposed revision of the 1996 permit for Potrero Hills  
4 Landfill. You should have my letter.

5 Since the year 2002, the operator of the landfill  
6 prepared and circulated environmental impact EIR for the  
7 260-acre expansion. Enclosed is a map. To the east is  
8 existing Phase I landfill. This was described in the EIR  
9 for Phase 2 expansion.

10 The Solano County Planning Commission held  
11 numerous public hearings. The Commission determined that  
12 the final EIR was inadequate. The operator appealed its  
13 decision to the Solano County Board of Supervisors. The  
14 Board of Supervisors overturned the Planning Commission's  
15 decision and certified the EIR as well as approving the  
16 conditional use and marsh development permit.

17 After certifying the final EIR by the Solano  
18 County Board of Supervisors in September 2005 for the 260  
19 acres for Phase 2 expansion, Protect the Marsh and the  
20 Northern California Recycle Association filed a lawsuit  
21 against Solano County and Republic Service, the landfill  
22 owner, due to the inadequacy of the final EIR.

23 There are several issues identified in the  
24 lawsuit including public nuisance, litter, odor, water  
25 quality, and lack of alternatives. In addition, the

1 lawsuit states that several proposed solid waste operator  
2 activities are not allowed in the Suisun Marsh. This  
3 lawsuit is scheduled to be heard in superior court of the  
4 state of California in Solano County on October the 20th,  
5 2006, three days after the Board is to hear the proposed  
6 permit.

7           In June 2006, the operator submitted an  
8 application to the local enforcement agency to expand the  
9 landfill vertically over the existing Phase I permitted  
10 facility, incorporate some features in Phase 2 project.  
11 This new expansion alternative is known as Phase 1.5. We  
12 believe that the project approved locally Phase 2  
13 expansion is different than the proposed project, Phase  
14 1.5 expansion. You are being asked to approve in October  
15 for a review Potrero Hills landfill permit.

16           We believe that Phase 1.5 is a new project under  
17 CEQA and requires the Board to become the lead agency for  
18 this proposed project. We are requesting that the Board  
19 direct your legal staff to review the entire environmental  
20 record, challenge the LEA's CEQA findings, and complete  
21 additional environmental review and analysis for the new  
22 proposed project. After a record review, the Board may  
23 decide to join our lawsuit against Solano County and the  
24 landfill operator.

25           Your staff received a proposed permit package

1 Friday, September the 8th. And you are scheduled to hear  
2 it October 10th and 17th at the Permitting and Enforcement  
3 Committee Board meeting, 32 days after receipt of the  
4 package. The LEA has shortchanged your staff and the  
5 public by not allowing adequate time for review of permit  
6 documents and by finding the final EIR prepared for Phase  
7 2 expansion adequately for the Phase I proposed project.

8 Thank you for your opportunity to talk today. We  
9 are opposed to the proposed permit for the Phase I  
10 expansion of Potrero Hills Landfill as described in the  
11 proposed permit package. And we believe Phase .1 is a new  
12 project requiring additional CEQA review for your agency.

13 If you have any questions, I can be reached at  
14 the address and phone number of my letter. That concludes  
15 my comment.

16 I also have submitted to the Board Arthur  
17 Feinstein's letter that I'd like to add it to the minutes  
18 also. And he also is requesting that you deny the permit  
19 and that he regrets not being here. He represents  
20 SPRAWLDEF, and he said he will be at your next meeting.  
21 And thank you very much for your time.

22 CHAIRPERSON BROWN: Thank you very much. I  
23 appreciate your comments.

24 Okay. Our next speaker is Dwight Acey on behalf  
25 of Citizens Against the Dump Expansion. Welcome.

1           MR. ACEY: Good morning. I guess it's still  
2 morning. Thank you, Chairperson Brown and Board members,  
3 for giving us an opportunity to comment today.

4           I'm the spokesperson for Citizens Against the  
5 Dump Expansion. I live in Suisun City, approximately 1.8  
6 miles from the Potrero Hills super-garbage dump. We have  
7 been fighting to address the issues of the expansion, the  
8 Phase 2 lateral expansion and the now as of June Phase 1.5  
9 vertical expansion at the landfill.

10           We think it's important that as people who would  
11 fall victim to any disasters that occur at this landfill  
12 that we make it clear that we oppose this expansion. The  
13 landfill, as Ms. Guidotti outlined before me, was  
14 decertified -- their permit was decertified by the Solano  
15 County Planning Commission. The project or operators took  
16 this to -- they appealed this matter to the Solano County  
17 Board of Supervisors, who in a three to two vote decided  
18 to overturn that ruling.

19           We have a number of questions, and I would just  
20 relay some of them or a few of them today regarding this  
21 1.5 expansion. We're concerned that they're treating it  
22 in an urgent manner, when at the same time in almost the  
23 same month they're waiting for a lateral expansion from  
24 DCDC. We would like to know why there's an urgency there,  
25 especially given the fact there's been much argument

1 raised about their low fees and the fact -- when they met  
2 with us, I should mention -- when we met with landfill  
3 administrators that they bring in garbage from a 150-mile  
4 radius of Solano County. It was interesting to me to see  
5 the presentation that was given earlier, the PowerPoint  
6 presentation to see in-flow of garbage from Marin to  
7 Solano and Contra Costa County. What interested me the  
8 most was that the same operators run both landfills.

9 We would like to request also that your hearing  
10 be held in Fairfield so that residents can have more  
11 access to these hearings, hearings that would impact them.

12 Another concern that we have is the impact on  
13 Travis Air Force Base. There have been major changes  
14 there given the BRAC Commission and closures, the addition  
15 of new aircraft there since the EIR was done in 2002 for  
16 Phase 2 and 1996 I believe for Phase I. So we don't think  
17 that that has been adequately analyzed.

18 We're also concerned about the AB 1497 process.  
19 Our local enforcement agency is required to have a  
20 meeting, not hearing. We feel your regulations should  
21 require an interaction between the public and the LEA. At  
22 this stage, we basically are invited to a hearing. We  
23 hear a presentation. We submit comments, and they  
24 refuse -- well, refused at that meeting to respond to any  
25 of them. There's no give and take. You're in a room with



1 perhaps 30 people who have numerous questions who are  
2 hearing comments from others, but there's no interaction.  
3 It's a one way syllogistic, simplistic process.

4 We feel your regulations should require an  
5 interaction between the LEA and the public. Again,  
6 there's no opportunity here for dialogue in this process.  
7 Our dealings with the County LEA has caused us to lose  
8 faith in their integrity and credibility. And if some of  
9 you would like to know what those concerns are at some  
10 point, you know, I have more time to do that. I'd be more  
11 than happy to answer those questions for you.

12 But at any rate, we've lost credibility -- they  
13 have lost credibility and integrity with the people who  
14 live in the community near this landfill. And our feeling  
15 is that the process of public input should be rethought.

16 With that, I'm going to end. And thank you for  
17 an opportunity to weigh in on this matter.

18 CHAIRPERSON BROWN: Thank you very much, Mr.  
19 Acey. I appreciate your comments.

20 Next speaker is Mr. Bruce Baum.

21 MR. BAUM: Thank you, Madam Chair. I'm Bruce  
22 Baum with San Anselmo. I'm with Sustainable Marin. And  
23 I'm the Co-Chair of No Wetlands Landfill Expansion. We're  
24 a group that opposes the Redwood Landfill.

25 We appreciate you being here this morning in San

1 Rafael. And we ask that when it comes time for the solid  
2 waste facility permit for Waste Management that you also  
3 hold, conduct your meetings here in San Rafael.

4 We're all very concerned about global warming.  
5 And this month two very conservative magazines, Scientific  
6 American and the Economist, ran special reports on global  
7 warming. And I hope all the members here have had an  
8 opportunity to read it.

9 As you know, organic materials and green waste in  
10 the landfills generate methane gas. Methane gas is 21  
11 times more harmful than carbon dioxide. When can we  
12 expect the Board, this Board, to ban organics from the  
13 landfills?

14 The second part of my question is why is green  
15 waste that's being used as alternate daily cover counted  
16 as recycled? This needs to be changed to reflect true  
17 recycling.

18 And lastly, unfortunately, as you all know, zero  
19 waste, adopting zero waste strategies, has been a major  
20 goal of this Board and unfortunately Marin County has no  
21 zero waste strategy. It has no zero waste programs.  
22 Thank you.

23 CHAIRPERSON BROWN: Thank you very much for your  
24 comments.

25 Our next speaker is Sue Brown, resident of Marin

1 County. Welcome.

2 MS. BROWN: Good morning, Madam Chair and members  
3 of the Regional Board, Waste Board. The Environment and  
4 Community Coalition in Marin that is opposed to the  
5 expansion of the Redwood Landfill due to its  
6 environmentally sensitive location understands land use  
7 regulation of a landfill to have two key components: The  
8 permit issued by the California Integrated Waste  
9 Management Board and the land use permit issued by the  
10 local jurisdiction.

11 We've tried to impress upon our elected leaders  
12 here in Marin that they need to review the local land use  
13 permit issued almost 50 years ago in order to assure State  
14 and local concerns are addressed. It would be helpful if  
15 this State Board could make clear that the solid waste  
16 permit process does not address local land use questions  
17 and, in fact, presumes that local jurisdictions will  
18 fulfill their responsibility in setting land use  
19 requirements for the State.

20 I wonder if this Board would be willing to  
21 clarify the local jurisdiction's responsibility in setting  
22 land use requirements. And I thank you very much for your  
23 time and consideration.

24 CHAIRPERSON BROWN: Thank you very much for being  
25 here.

1           And our last speaker during public comment is  
2 David Yearsley.

3           MR. YEARSLEY: Thank you. Good morning, Madam  
4 Chair and members of the Board. I'm David Yearsley,  
5 Executive Director for Friends of the Petaluma River.

6           COMMITTEE MEMBER WIGGINS: For what?

7           MR. YEARSLEY: Friends of the Petaluma River.  
8 We're a nonprofit organization. Our motto is celebrate  
9 and conserve. And a key part of our mission is to provide  
10 a public voice for all the living beings in the Petaluma  
11 watershed.

12           I'm here today to talk about our concern with the  
13 location and the future expansion plans of the Redwood  
14 Landfill. As you may know, Redwood Landfill is located on  
15 the shores of San Antonio Creek, which is a major  
16 tributary of the Petaluma River and directly adjacent to  
17 the Petaluma Marsh which is the largest remaining intact  
18 tidal marsh in California. It serves as a benchmark for  
19 studies on what a natural tidal marsh should be. And I'm  
20 concerned about the impacts and the future threats to both  
21 the Petaluma Marsh and the Petaluma watershed posed by  
22 Redwood Landfill.

23           Some of those current threats do stem from a  
24 vague 50-year-old two-page document which is the land use  
25 permit. The use of yard waste as alternative daily cover

1 which produces methane gas. The unlined leachate ponds  
2 which are only separated from San Antonio Creek by low  
3 berms, and I believe are unlined. And their necessitated  
4 use of bird abatement programs because of their proximity  
5 to the local air field. They're required to drive away  
6 birds. They use canyons during the day. They also use  
7 bright lights at night for their operation. They use  
8 carbonate lights which are left on all night, and the  
9 effect of unnatural light on wildlife is being documented  
10 by such organizations as Dark Sky Society. But this is a  
11 concern to me and to wildlife in the Petaluma Marsh.

12 Now, I bring to you your comments on the proposed  
13 EIR for the Redwood Landfill expansion. You said, "If  
14 proposed today, a new facility in California -- as a new  
15 facility in California, Redwood Sanitary landfill would  
16 not have been located in such an environmentally sensitive  
17 wetland." The unfortunate location of the facility has  
18 resulted in serious concerns in the areas of traffic, air  
19 quality, plant, and animal habitat, and impacts to  
20 subsurface and surface water. Despite mitigation measures  
21 proposed to offset potential impacts, as a result of the  
22 proposed increases in traffic, waste, and landfill  
23 capacity, further serious impacts may still occur if the  
24 proposed project is implemented in full. As you know,  
25 this will come before you in the near future as the EIR

1 process is wrapping up.

2 I have provided you today with a little article  
3 from our recent newsletter from Friends of the Petaluma  
4 River. It's a story of a dump tour they're offering to  
5 the public, and I invite you to contact us to take this  
6 tour. It's written by a volunteer of ours, Duncan  
7 Dwelley. And it has a little story of the tours. And it  
8 has contacts for myself and Duncan. And you and other  
9 interested members of the public or the county or city  
10 staff are welcome to contact us to take these tours.

11 I leave you with a thought. Why build on a bad  
12 idea? It is stated that the Redwood Landfill is not well  
13 situated. And to allow further expansion and also to  
14 expand the existing -- the continuation of the existing  
15 conditions are a threat to the Petaluma Marsh and River.  
16 Thank you.

17 CHAIRPERSON BROWN: Thank you very much. I  
18 appreciate that.

19 Thank you all for being here. We will move on  
20 our agenda to the consent agenda. Agenda Items 1 Revised,  
21 4, 5 Revised, 7 Revised, 13, 14, 15, 16, 17 Revised, 18  
22 and 19 are on the consent agenda. Would any members like  
23 to remove any items from the consent agenda? Can I have a  
24 motion?

25 BOARD MEMBER MULÉ: Madam Chair, I'd like to move

1 approval of the consent agenda.

2 CHAIRPERSON BROWN: Thank you.

3 Can I have a second?

4 BOARD MEMBER DANZINGER: Second.

5 CHAIRPERSON BROWN: It's been moved by Member

6 Mulé and seconded by Member Danzinger.

7 Can you call the roll, Kristen?

8 EXECUTIVE ASSISTANT GARNER: Danzinger?

9 BOARD MEMBER DANZINGER: Aye.

10 EXECUTIVE ASSISTANT GARNER: Mulé?

11 BOARD MEMBER MULÉ: Aye.

12 EXECUTIVE ASSISTANT GARNER: Peace?

13 BOARD MEMBER PEACE: Aye.

14 EXECUTIVE ASSISTANT GARNER: Petersen?

15 BOARD MEMBER PETERSEN: Aye.

16 EXECUTIVE ASSISTANT GARNER: Wiggins?

17 COMMITTEE MEMBER WIGGINS: Aye.

18 EXECUTIVE ASSISTANT GARNER: Brown?

19 CHAIRPERSON BROWN: Aye.

20 Thank you. The item passes.

21 Next I'll just give us a rundown so everybody

22 knows where we go from here.

23 We will next -- Items 8, 12 Revised, 20 and 21

24 will be heard on our fiscal consent agenda, which we will

25 do next.

1 Followed by Items 9 and 11 were heard in  
2 Committee only.

3 Item 3 was pulled from the agenda.

4 Items 6, no action was taken.

5 Then we will hear full Items 2 Revised, preceded  
6 by Item 10. Then we will have Item 22 and 23 as well.

7 So we will next move to Item 8 on the consent  
8 agenda, which is from our Permitting and Enforcement  
9 Committee. Committee Chair Mulé, would you like to give a  
10 Committee report?

11 BOARD MEMBER MULÉ: Yes. Thank you, Madam Chair.  
12 We had a very full meeting. We did have six permits that  
13 were listed on the original agenda. One was pulled, item  
14 3, as you mentioned. One is being moved to the full  
15 Board. And one I believe was Item 6 was withdrawn by both  
16 the operator and the LEA.

17 We also did have a Committee item which was the  
18 proposed permit implementation regulations. And then we  
19 also heard the Consideration of Grant Awards for the Farm  
20 and Ranch Solid Waste Cleanup which is on fiscal consent.

21 So with that, I'd like to conclude my report.  
22 Thank you very much.

23 CHAIRPERSON BROWN: Thank you.

24 Deputy Director, Howard.

25 DEPUTY DIRECTOR LEVENSON: Good morning, Madam



1 Chair and Board members. Stationary mike here.

2 This item, Item 8, is Consideration of the Grant  
3 Awards for the Farm and Ranch Solid Waste Cleanup and  
4 Abatement Grant Program. And we're requesting your  
5 approval of two grants totaling 191,175.33 for the first  
6 quarter of this fiscal year for the program.

7 As you know, under this program, cities and  
8 counties may seek financial assistance for the cleanup of  
9 illegal solid waste disposal sites on farm or ranch  
10 property. And the property owners that do desire this  
11 kind of funding have to coordinate with the local  
12 government agency such as the local enforcement agency or  
13 resource conservation district.

14 We received three applications in this cycle.  
15 Imperial County withdrew three of its sites due to missing  
16 documentation. And that left nine sites remaining in the  
17 applications were found to be eligible. Three of those  
18 were in Nevada County; four in Imperial; and two in San  
19 Diego County.

20 I just want to mention before I get to my  
21 recommendation at one site, the third site in Nevada  
22 County, was the subject of some discussion at the Board  
23 because we had included -- this was part of a site that  
24 had a prior cleanup in 2002. Much of the area still  
25 remains clean. But there is one portion that has still

1 been a problem. And the LEA came to the Committee and  
2 testified on the complexity of the problems and various  
3 efforts they have undertaken and they do plan to undertake  
4 in the future to deal with this, including increased  
5 patrols by the sheriff. And then the construction of a  
6 physical earth and berm to prevent access to the site.

7 So with that, we would like to recommend Option  
8 1, that you approve the proposed awards and adopt  
9 Resolution 2006-164. Thank you.

10 CHAIRPERSON BROWN: Thank you, Howard.

11 Any questions by Board members on this item,  
12 other than where the 33 cents came from? Seventy-one  
13 cents, 62 cents. Very specific.

14 Can we have a motion on this item?

15 BOARD MEMBER MULÉ: Madam Chair, I'd like to move  
16 Resolution 2006-164.

17 BOARD MEMBER PEACE: Second.

18 CHAIRPERSON BROWN: It's been moved by Member  
19 Mulé and seconded by Member Peace.

20 Kristen, can you call the roll?

21 EXECUTIVE ASSISTANT GARNER: Danzinger?

22 BOARD MEMBER DANZINGER: Aye.

23 EXECUTIVE ASSISTANT GARNER: Mulé?

24 BOARD MEMBER MULÉ: Aye.

25 EXECUTIVE ASSISTANT GARNER: Peace?

1 BOARD MEMBER PEACE: Aye.

2 EXECUTIVE ASSISTANT GARNER: Petersen?

3 BOARD MEMBER PETERSEN: Aye.

4 EXECUTIVE ASSISTANT GARNER: Wiggins?

5 Brown?

6 CHAIRPERSON BROWN: Aye.

7 And we'll hold that role open for a couple of  
8 minutes.

9 Next we move to Item 12 Revised. And that is  
10 under the Special Waste Committee. I will leave the good  
11 news to Mr. Lee. I believe this item brings to us full  
12 subscription this year at the RAC program. We're actually  
13 three months into the fiscal year. Is that good news?

14 DEPUTY DIRECTOR LEE: That is correct, Madam  
15 Chair.

16 For the record, my name is Jim Lee, Deputy  
17 Director of the Special Waste Division. We do indeed have  
18 good news, as we reported on at the Special Waste  
19 Committee meeting last week. You know, if the Board  
20 approves the requested grant awards to the identified  
21 jurisdictions, we will have exhausted almost all of our  
22 fiscal year 06-07 allocation as set forth in the Five-Year  
23 Plan. However, we will be coming forward to the Board in  
24 October with a plan to reallocate additional money that  
25 was made available through a BCP in this year's budget.

1 So we expect to be able to continue the program without  
2 interruption.

3 So with that, with regards to the specifics on  
4 this particular item, staff is requesting the Board  
5 approve grant awards totaling 825,000 to five identified  
6 jurisdictions: City of Cloverdale, City of Fowler, City  
7 of Selma, City of Arvin, and City of Orange.

8 This item was heard by the Special Waste  
9 Committee and recommended for fiscal consent. Staff  
10 recommends the Board approve Resolution 2006-166 as  
11 revised.

12 CHAIRPERSON BROWN: Thank you, Mr. Lee.

13 Any questions? Can I have a motion?

14 BOARD MEMBER MULÉ: Madam Chair, I'll move  
15 approval of Resolution 2006-166 revised.

16 BOARD MEMBER PEACE: Second.

17 CHAIRPERSON BROWN: It's been moved by Member  
18 Mulé and seconded by Member Peace. Can you call the roll,  
19 Kristen?

20 EXECUTIVE ASSISTANT GARNER: Danzinger?

21 BOARD MEMBER DANZINGER: Aye.

22 EXECUTIVE ASSISTANT GARNER: Mulé?

23 BOARD MEMBER MULÉ: Aye.

24 EXECUTIVE ASSISTANT GARNER: Peace?

25 BOARD MEMBER PEACE: Aye.

1 EXECUTIVE ASSISTANT GARNER: Petersen?

2 BOARD MEMBER PETERSEN: Aye.

3 EXECUTIVE ASSISTANT GARNER: Wiggins?

4 Brown?

5 CHAIRPERSON BROWN: Aye.

6 And we'll hold that open as well. Thank you.

7 Now we move to consent agenda, fiscal consent  
8 agenda items for the Sustainability Committee, Markets and  
9 Sustainability.

10 Member Petersen, do we have a report?

11 BOARD MEMBER PETERSEN: Thank you, Madam Chair.

12 Yes. We had Consideration of the Biennial Review  
13 Findings for the Source Reduction and Recycling Elements  
14 and Household Hazardous Waste Elements for the over 200  
15 jurisdictions, which was a major accomplishment all at one  
16 time.

17 We also had the Consideration of Awards for Reuse  
18 Assistance Grants Program and also Consideration of  
19 Approval of the Allocation Proposal for Recycling Market  
20 Development Zone Administrators Training Workshop.

21 And that concludes my report.

22 CHAIRPERSON BROWN: Thank you very much.

23 Now we'll move to Deputy Director's Report.

24 DEPUTY DIRECTOR FRIEDMAN: Good morning, Madam  
25 Chair and Board members. I'm Judy Friedman representing

1 the Waste Prevention and Market Development Division. And  
2 I would like to move into Agenda Item 20, fiscal consent.  
3 Okay. So this item is Consideration of Awards for the  
4 Reuse Assistance Grant Program, Integrated Waste  
5 Management Account, Fiscal Year 2006-2007.

6 In accordance with the Integrated Waste  
7 Management Board's grant process, staff is presenting this  
8 recommendation to award the fiscal year 2006/2007 Reuse  
9 Assistance Grants. The purpose of this program is to  
10 provide initiative and incentive for local public agencies  
11 to promote and apply the concept of reuse, assist in the  
12 development or expansion of reuse activities at the local  
13 public agency level, and divert reusable material from  
14 disposal.

15 Staff is recommending that the Board approve  
16 awards to the seven applications which received a passing  
17 score in the amount of \$250,000 from the fund. And those  
18 seven are: Sacramento Regional Waste Management  
19 Authority; San Luis Obispo Integrated Waste Management  
20 Authority; City and County of San Francisco; Marin County;  
21 City of Mountainview; San Bernardino County; and Monterey  
22 Regional Waste Management District.

23 Please note if additional fiscal year 2006/2007  
24 funds become available, staff requests permission to fully  
25 fund the applicant that received partial funding, and that

1 was Monterey.

2 With that, the Committee heard this and approved  
3 unanimously and placed on fiscal consensus. And staff  
4 recommends approval of proposed awards and adoption of  
5 Resolution 2006-151.

6 CHAIRPERSON BROWN: Thank you, Judy.

7 Do we have any questions? Can we have a motion?

8 BOARD MEMBER MULÉ: Madam Chair, I'll move  
9 Resolution I believe it's 2006--

10 DEPUTY DIRECTOR FRIEDMAN: That's correct.

11 BOARD MEMBER MULÉ: 151.

12 BOARD MEMBER PEACE: Second.

13 CHAIRPERSON BROWN: It's been moved by Member  
14 Mulé and seconded by Member Peace.

15 Kristen, can you call the roll?

16 EXECUTIVE ASSISTANT GARNER: Danzinger?

17 BOARD MEMBER DANZINGER: Aye.

18 EXECUTIVE ASSISTANT GARNER: Mulé?

19 BOARD MEMBER MULÉ: Aye.

20 EXECUTIVE ASSISTANT GARNER: Peace?

21 BOARD MEMBER PEACE: Aye.

22 EXECUTIVE ASSISTANT GARNER: Petersen?

23 BOARD MEMBER PETERSEN: Aye.

24 EXECUTIVE ASSISTANT GARNER: Wiggins?

25 COMMITTEE MEMBER WIGGINS: Aye.

1 EXECUTIVE ASSISTANT GARNER: Brown?

2 CHAIRPERSON BROWN: Aye.

3 And can you call the completed roll for Item 8  
4 and Item 12? And Member Wiggins can vote first on Item 8.

5 EXECUTIVE ASSISTANT GARNER: Danzinger?

6 CHAIRPERSON BROWN: No. Just the uncompleted,  
7 just Wiggins.

8 EXECUTIVE ASSISTANT GARNER: Wiggins?

9 COMMITTEE MEMBER WIGGINS: Aye.

10 EXECUTIVE ASSISTANT GARNER: And for Item 12.

11 COMMITTEE MEMBER WIGGINS: Aye.

12 CHAIRPERSON BROWN: Thank you.

13 Now we will move to Agenda Item 21, Judy.

14 DEPUTY DIRECTOR FRIEDMAN: Yes. Good morning,  
15 again. Consideration of the Approval of Allocation  
16 Proposal for Recycling Market Development Zone  
17 Administrator Training Workshops, Recycling Market  
18 Development and Revolving Loan Subaccount, Fiscal Year  
19 2006-2007.

20 Staff has identified the funding necessary to  
21 implement a key activity, zone administrator and program  
22 staff training workshops, in a recycling market  
23 development zone program for the upcoming fiscal year.  
24 The training workshops will be funded from the Recycling  
25 Market Development Revolving Loan Subaccount consultant



1 and professional services for 2006-2007.

2 This allocation proposal provides specific tools  
3 and resources to the zone administrators on how to site  
4 recycling content product businesses in California,  
5 increase diversion of recyclable materials, and generate  
6 RMDZ business loans within their respective jurisdictions.

7 This allocation proposal would fund three  
8 training workshops in fiscal year 2006-2007 and three  
9 workshops in fiscal year 2007-2008 in areas that will  
10 sustain poor activities within the RMDZ program. This is  
11 a total of \$175,000, and California State University  
12 Sacramento will be the contractor.

13 This item was heard in Committee and approved  
14 unanimously and placed on fiscal consensus. And with  
15 that, staff recommends Option 1, approve the allocation  
16 proposal 2006 D-1 in the amount of \$175,000 from the  
17 Recycling Market Development Revolving Loan Subaccount and  
18 adopt Resolution Number 2006-168.

19 CHAIRPERSON BROWN: Thank you, Judy.

20 Does anybody have any questions?

21 COMMITTEE MEMBER WIGGINS: I'll make the motion.  
22 I move adoption of Resolution 2006-168.

23 BOARD MEMBER PEACE: Second.

24 CHAIRPERSON BROWN: It's been moved by Member  
25 Wiggins and seconded by Member Peace.

1 Can you call the roll?

2 EXECUTIVE ASSISTANT GARNER: Danzinger?

3 BOARD MEMBER DANZINGER: Aye.

4 EXECUTIVE ASSISTANT GARNER: Mulé?

5 BOARD MEMBER MULÉ: Aye.

6 EXECUTIVE ASSISTANT GARNER: Peace?

7 BOARD MEMBER PEACE: Aye.

8 EXECUTIVE ASSISTANT GARNER: Petersen?

9 BOARD MEMBER PETERSEN: Aye.

10 EXECUTIVE ASSISTANT GARNER: Wiggins?

11 COMMITTEE MEMBER WIGGINS: Aye.

12 EXECUTIVE ASSISTANT GARNER: Brown?

13 CHAIRPERSON BROWN: Aye.

14 Thank you. Now we will take Agenda Item 10,

15 which is the staff presentation that was put over from the

16 Committee. And we will hear that followed by the rest of

17 the agenda item. Mr. de Bie.

18 DEPUTY DIRECTOR LEVENSON: I'll start off the

19 item, Madam Chair.

20 CHAIRPERSON BROWN: I didn't see you over there.

21 Howard, can you start the item?

22 DEPUTY DIRECTOR LEVENSON: Thank you, Madam

23 Chair.

24 As we stated, Madam Chair, this was put over from

25 the Committee. We ran out of time at the Committee to

1 hear this, and we thought that it would be worthwhile  
2 if -- the Chair of the Committee and yourself thought it  
3 would be worth having it for the entire Board.

4 This is an overview, not for any consideration,  
5 but simply an overview of existing processes for issuing  
6 solid waste facility permits. And I'd like to give a few  
7 introductory remarks and then turn it over to Mark and  
8 assistance from Michael Bledsoe.

9 One of the Board's key missions in fulfilling its  
10 mission to protect public health and safety and the  
11 environment is its consideration of proposed solid waste  
12 facility permits. Each year, you consider dozens of such  
13 permits, and various questions arise from members and as  
14 well as the public about the role of the local enforcement  
15 agency and the Board in that process.

16 So periodically, both staff and Board members  
17 find it useful to do a refresher on the existing process.  
18 And I hesitate to mention this, but in the past we have  
19 done one and two day refresher workshops on the entire  
20 suite of permitting, inspection, enforcement processes.  
21 And I mean all day going over these things. So today  
22 we're just giving you a very shortened version of the  
23 permitting portion of all those processes just as a primer  
24 overview if you will.

25 As you hear this, one of the key things I'd like

1 you to keep in mind is that when a proposed permit is  
2 actually put on the agenda for your consideration, that's  
3 really the end point or close to the end point of a  
4 lengthy process that's undertaken at the local level and  
5 via interaction between our staff and the local  
6 enforcement agency. This back and forth starts long  
7 before the formal permitting process, and it includes  
8 assistance in the field, early consultation on the  
9 California Environmental Quality Act and the environmental  
10 review process, and early feedback on environmental  
11 documents, and other necessary permitting documents. So  
12 there's a lot of work that's undertaken by all the  
13 parties. And we on our side have certainly been trying to  
14 move in the direction of providing earlier and earlier  
15 assistance to preclude problems from popping up.

16           So one result is that you typically see permits  
17 before you that are in very good shape when they come to  
18 you for consideration. That is to say we've all worked  
19 very hard to make sure that all the proposed permitting  
20 and supporting documents are in shape and that the  
21 proposed solid waste management activity and the permit  
22 conditions all conform to State regulatory requirements.

23           Other times, you will get permits before you  
24 where some of these things are still in process. And  
25 because of our time frame, we work on them as well as we

1 can and get them to you perhaps with information right at  
2 the Committee meeting or even the Board meeting.

3           So today, while the briefing mentions what goes  
4 on at the local level in terms of permits and obviously  
5 have some comments from the public that touch on that  
6 issue, we're not going to be addressing at least as  
7 planned today in this presentation the entire suite of  
8 issues related to site selection, conditional use permits,  
9 non-disposal facility elements, siting element, et cetera,  
10 et cetera. We're going to focus mostly on what happens  
11 between the LEA, the operator, and the Waste Board staff  
12 and yourselves and on the statutory and regulatory  
13 framework the Board itself operates under when you're  
14 making decisions about proposed permits.

15           With that, I'll turn it over to Mark. But I want  
16 to say one thing both about Mr. de Bie and Mr. Bledsoe.  
17 These are kind of the lynch pins along with all of the  
18 Permitting and Inspection staff for this entire process.  
19 And I rely heavily on these two gentlemen and Mark's  
20 staff, and they do a great job. I think you've all seen  
21 Michael and Mark in action many times, and you're aware of  
22 the expertise and history they bring to this issue. So I  
23 just wanted to acknowledge them before I turn it over to  
24 Mark.

25           CHAIRPERSON BROWN: Thank you, Howard. I think

1 we echo your praise. And at the risk of making you stand  
2 there and hear it from all six of us, Mark, we'll let you  
3 just go forward.

4 (Thereupon an overhead presentation was  
5 presented as follows.)

6 BRANCH MANAGER DE BIE: Mark de Bie with  
7 Permitting and Inspection Branch. I don't know if I earn  
8 it, but I endeavor to.

9 So I will be looking for assistance on this  
10 presentation especially with responding to any questions  
11 you have from Michael Bledsoe. As Howard indicated, you  
12 know, he knows as much if not more about this process as I  
13 and staff do.

14 --o0o--

15 BRANCH MANAGER DE BIE: So this is an overview.  
16 It's a one-on-one type course. So we're going to skim  
17 over things. But if there are things you're interested  
18 in, please ask questions as we go through or at the end  
19 for clarification and we can stop and respond to those.

20 I do want to indicate before I forget that based  
21 on what I heard from the public speakers today, I think  
22 that it might be helpful for them to have a contact at the  
23 Waste Management Board. So I went ahead and put my card  
24 on the table front, along with a little calling card that  
25 we have that points to the permit toolbox that has lots

1 and lots of information about the permit process. So  
2 anyone is welcome to those out on the table.

3 --o0o--

4 BRANCH MANAGER DE BIE: So to begin the  
5 presentation, we're going to talk about the local approval  
6 process, again all in summary fashion, an overview of the  
7 permit process talking about the interaction between  
8 applicants and the LEA, then the Board process, the Board  
9 action, what steps are -- what criteria are involved with  
10 the Board taking action, and then finishing up with the  
11 LEA issuing the permit.

12 --o0o--

13 BRANCH MANAGER DE BIE: In sort of a flow chart  
14 fashion, we have this slide which also calls out what we  
15 refer to as the tiered permits. There are not just the  
16 full permit the Board hears on an ongoing basis, but there  
17 are other types of permits on the LEA process  
18 registration. There's a notification process for  
19 facilities that have been deemed through regulation to be  
20 of -- let me say requiring less oversight of the LEA, and  
21 therefore slotted in a lesser tier.

22 But basically the flow is those projects if  
23 they're new, certainly start off with some sort of a local  
24 process. There's a lot of interaction at all levels  
25 during that local process usually in the CEQA where the

1 State becomes involved with commenting on documents, other  
2 regulatory entities, regional entities, as well as local  
3 entities are involved.

4           Once that process is resolved, then it usually  
5 moves into an application with the LEA. The LEA  
6 determines what appropriate level of regulations are  
7 required, the notification, registration, standardized  
8 permit or full permit. If it's full permit or  
9 standardized, the LEA will prepare a submittal to the  
10 Board and then the Board will take action on that  
11 submittal.

12                               --o0o--

13           BRANCH MANAGER DE BIE: All of this process,  
14 these rules, regulations are based in statute beginning  
15 with the requirement that if you want to operate a solid  
16 waste facility in the state of California, you need a  
17 permit. And so this references that citation as well as  
18 highlights the type of facilities that are out there,  
19 disposal, transfer, compost transformation, C&D  
20 facilities.

21                               --o0o--

22           BRANCH MANAGER DE BIE: So if you have a  
23 facility, if it's new or changing, you go through the  
24 local approval process via either with the city, county,  
25 or joint powers authority, or some other governmental



1 entity to look at the siting of that and whatever kind of  
2 land use issues there need to be addressed. This can take  
3 the form of special or use permit or it could be a general  
4 plan amendment or the Integrated Waste Management plan  
5 updates, that sort of thing. So there's usually in almost  
6 every case some sort of local process going on for a new  
7 or changing facility.

8 --o0o--

9 BRANCH MANAGER DE BIE: So in this local process,  
10 there's usually a CEQA element to it. Local agencies are  
11 involved with that. LEAs are involved. The Waste  
12 Management Board is involved with reviewing and commenting  
13 on those documents.

14 Those approvals are focused on the siting aspect  
15 and any particular land use issues that need to be  
16 addressed. There's always an opportunity for some level  
17 of consultation before the documents are formally  
18 developed. That can take the form of notice and requests  
19 for input and writing, but it also takes the form in terms  
20 of having formal and informal meetings that usually the  
21 public as well as other entities or regulatory entities  
22 are invited to. And all of those notices whether it be  
23 formal or informal are noticed in accordance with the CEQA  
24 and Government Code.

25 --o0o--

1           BRANCH MANAGER DE BIE: The Board takes its role  
2 as a responsible agency in CEQA very seriously. We have  
3 staff in my organization, my branch that spend most of  
4 their time reviewing and commenting on CEQA documents and  
5 providing that consultation and our expertise to the local  
6 entities relative to these facilities. I think it's a bit  
7 unusual that the amount of energy and staff resources that  
8 we spend on this is unusual when you look at other State  
9 agencies. The Board has a unique role here as a  
10 responsible agency, because we concur on the permit which  
11 is kind of the A-typical situation. So we take that role  
12 very, very seriously.

13                               --o0o--

14           BRANCH MANAGER DE BIE: This is an interesting  
15 flow diagram here trying to capture all of the timing that  
16 goes into this process. And it's even more complicated,  
17 because with AB 1497, there was a shift in the time frames  
18 for the revised permits versus new permits. So we have an  
19 overlay of 150 days for a new permit. It says new days.  
20 I'm sorry. New permits, and 180 days for revised.

21           Basically, after the operator has gone through  
22 all the local process and is ready and has a firm idea of  
23 what the project is ready to submit an application to the  
24 local enforcement agency, it can do that if it's a new  
25 facility certainly in the form of a permit application.

1 If it's a facility that's going through a change -- it  
2 already has a permit, but it's going through a change,  
3 dependent on how large, how that aspect of the operation  
4 is treated in the current permit, the operator could have  
5 the option of seeking LEA approval through an RFI, or  
6 report of facility information amendment, which would not  
7 effect the permit that the LEA has written, only effect  
8 the technical document that supports the permit. However,  
9 if the changes does effect some aspect of the permit  
10 written by the LEA, it would require a full permit  
11 application.

12           So the operator can start this process. But also  
13 through the five-year review there on the bottom of the  
14 slide, the LEA is required to review permits at least  
15 every five years. And usually in that process, the LEA  
16 identifies either changes that have occurred that need  
17 additional review or there's information provided through  
18 that process of changes that the operator is foreseeing in  
19 the next few years. So to capture those either current  
20 aspects or planned aspects, the permit might need to go  
21 through either an RFI amendment or a permit review.

22           So once that application process starts, the LEA  
23 has 30 days to review that application, determine if all  
24 the parts are there. And it's outlined in regulation on  
25 what's required. And I'll go through the short list of

1 what's required in that application.

2           If all the parts are there and if they all seem  
3 to line up and make sense, the LEA is required to accept  
4 that application as complete and correct. And then if  
5 it's a new permit, the LEA has 55 days to draft a proposed  
6 permit and forward that onto the Board.

7           And the Board, once we received the proposed  
8 permit would have 60 days to take action on that. Once  
9 the Board decides on the -- or concurs on the permit, the  
10 LEA then has at least five days in which to take action  
11 and issue the permit.

12           Overarching for new permits, from the time the  
13 application is deemed accepted as complete and correct,  
14 it's 120-day maximum time frame to write the permit, get  
15 it through the Board, and have it issued.

16           For revised permits, because of 1847, there is a  
17 30-day requirement -- or actually I should say a 60-day  
18 requirement that's timed on the submittal of the  
19 application for the LEA to have a public hearing. And so  
20 we have advised LEAs to wait until they're pretty sure  
21 they have the application as being complete and correct  
22 before they go to the public and share information about  
23 that application. So this flow chart indicates that our  
24 recommendation is that the LEA hold a hearing in the  
25 second 30 days of that 60-day clock after they've accepted

1 the application as complete and correct.

2 That still allows them with the revised permit up  
3 to 60 days to forward the permit up to the Board after  
4 they've deemed the application complete. And then the  
5 Board still has 60 days to act on that.

6 We are developing revisions to the regs to  
7 address this time frame for revised permits and moving  
8 away from guidance to actually including language in the  
9 reg about how this flow should work for revised permits  
10 and relative to the hearings and notices of the hearings.

11 --o0o--

12 BRANCH MANAGER DE BIE: As I indicated, there's  
13 an RFI amendment process. This is for full permits only.  
14 The lesser tiered permits is the permit itself needs to be  
15 reissued each time. So there isn't a way to just amend  
16 the technical documents relative to those.

17 To go through this process, the LEA needs to find  
18 that what's being requested through this RFI amendment  
19 process does not conflict with the permit that the LEA  
20 wrote, is consistent with an existing CEQA document, and  
21 consistent with all of the standards -- State minimum  
22 standards. And some of those are the financial assurance  
23 for landfills and closure requirements for landfills and  
24 as well as all of the design and operating requirements in  
25 regulation.

1           If the submittal for an RFI amendment can't be  
2 found to meet those criteria, then the LEA is obligated to  
3 reject that request of the RFI amendment and then require  
4 the operator to apply for a revised permit if they still  
5 want to make those changes.

6                               --o0o--

7           BRANCH MANAGER DE BIE: So in the package that  
8 the applicant provides to the LEA is a whole list of items  
9 that we find in regulation. For disposal sites, the form  
10 of the technical document is referred to as a joint  
11 technical document. It's a joint package that includes  
12 information about that landfill that's pertinent to the  
13 Regional Water Quality Control Board as well as the Waste  
14 Management Board. It includes information about financial  
15 assurances, copies of that information.

16           The whole application is provided to the Regional  
17 Board, because it is a joint application. There's an EA  
18 fee requirement. It has to have an adequate amount of  
19 detail so that the LEA can fully evaluate it, so you can't  
20 just have very brief kind of statements. You need a level  
21 of detail there that the LEA can figure out what it is  
22 you're doing and how you're going to avoid issues relative  
23 to public health, safety, and the environment. And that  
24 application has to be certified by the applicant as being  
25 true and accurate. The LEA can require additional

1 information from what is listed in the application  
2 package.

3 --o0o--

4 BRANCH MANAGER DE BIE: And more specifically, a  
5 complete and correct application includes an application  
6 form, the report of facility information, documentation of  
7 where CEQA is. And at times, CEQA has been completed a  
8 long time ago through a local land use process. So it's  
9 just referencing a previous document. Sometimes we do  
10 have permits coming through the LEA process and our  
11 process where CEQA is finishing up at the local process.  
12 So the application to the LEA does allow the applicant to  
13 indicate the status of that CEQA process.

14 If there's a mitigation monitoring schedule  
15 associated with CEQA, it would be included. Conformance  
16 finding relative to conformance with the Integrated Waste  
17 Management plans at the county level would need to be  
18 included. For disposal sites, they need to have their  
19 preliminary closure and postclosure plans and the  
20 information about compliance with financial assurance  
21 mechanisms. And a copy of the land use permit if there is  
22 one needs to be included in the application.

23 COMMITTEE MEMBER WIGGINS: I have a question on  
24 the previous slide. It's the EA fee. And I didn't know  
25 there was an EA fee and who pays it.

1           BRANCH MANAGER DE BIE: I believe it's in statute  
2 allows the LEA to require a fee to process the  
3 application.

4           COMMITTEE MEMBER WIGGINS: Who pays it?

5           BRANCH MANAGER DE BIE: The applicant would pay  
6 the fee to the LEA for the processing of the application.

7           And the fee structure varies among LEAs. Some  
8 have a set fee. So every application would be associated  
9 with X amount of money. Some have a fee structure that's  
10 based on waste being disposed in the county or city  
11 landfills so they do not break out a separate fee for  
12 particular applications. So it does vary. But there is  
13 statutory authority to charge a fee to carry out the LEA  
14 duties, especially for permits.

15          COMMITTEE MEMBER WIGGINS: Thank you.

16                               --o0o--

17          BRANCH MANAGER DE BIE: Once the application has  
18 been submitted to the LEA, especially for revised permits,  
19 there is a requirement for the LEA to hold a hearing.  
20 That hearing has to be held per statute within 60 days of  
21 receipt of the application.

22          The statute indicates that the purpose of that  
23 hearing is for the LEA to share what's referred to as  
24 their preliminary determination relative to the  
25 application. So they're sharing what they plan to do



1 relative to the application: Process it, and revise the  
2 permit, deny it, require additional CEQA, whatever it is  
3 they have determined is necessary to act on that  
4 application.

5 BOARD MEMBER MULÉ: Excuse me, Mark. This  
6 hearing is separate from the requirements of 1497?

7 BRANCH MANAGER DE BIE: This one refers to the  
8 1497.

9 BOARD MEMBER MULÉ: This is the 1497 hearing. So  
10 it's a hearing, not a meeting?

11 BRANCH MANAGER DE BIE: The statute refers to it  
12 as a public hearing.

13 BOARD MEMBER MULÉ: So at a public hearing, my  
14 understanding is that you receive testimony from the  
15 public, and then they can respond to that testimony, or  
16 are they required to respond to it? Because I heard a  
17 speaker earlier today refer to the fact that information  
18 was received but then not responded to. So I just want to  
19 have a better understanding of how that public hearing  
20 might work.

21 BRANCH MANAGER DE BIE: Certainly. 1497 refers  
22 to the gathering as a public hearing. It doesn't  
23 structure the actual dynamics of the meeting in 1497. It  
24 refers to the Government Code relative to how the meeting  
25 should be noticed. But there's nothing in the statute

1   itself or in that part of the statute that structures what  
2   needs to happen there.

3               Did I see you get up? I think Michael might  
4   share his observations about the legal requirements  
5   relative to public hearings and public testimony.

6               BOARD MEMBER MULÉ: If you could share that with  
7   us, Michael. Because I think it's important for all of us  
8   to have a better understanding of the difference between a  
9   public information meeting and a public hearing.

10              STAFF COUNSEL BLEDSOE: Michael Bledsoe from the  
11   Legal Office.

12              We tend to describe this public hearing that 1497  
13   requires as an informational meeting. Because the primary  
14   purpose is as Mark stated, for the LEA to describe  
15   certainly whether it thinks this proposed activity is  
16   going to require a revised permit or can be handled by an  
17   RFI amendment. That's really the fundamental question at  
18   hand, although we encourage, and Mark might want to expand  
19   on this, LEAs to describe the proposed project as clearly  
20   as they can so people will know what's going on as sort of  
21   good public relations and good politics.

22              In a public hearing setting or an informational  
23   meeting setting, whichever one we're to call this, there's  
24   no requirement that the public officials, the LEA in this  
25   case, actually respond to any citizen's comments. It's

1 just a matter of hearing what the citizens have to say.

2 Again, it certainly is good public relations and  
3 good politics to try to respond and explain why you're  
4 doing A, B, or C.

5 BOARD MEMBER MULÉ: And also there's no  
6 requirement then to record the meeting or to summarize the  
7 comments that were received at the meeting?

8 STAFF COUNSEL BLEDSOE: Under current law, that  
9 is correct. Under the proposed amendments to the permit  
10 regulations that Permitting and Enforcement Committee  
11 considered last week, we are requiring that the meeting be  
12 summarized in some fashion. Not transcribed or recorded,  
13 but basically the key points summarized for anyone who  
14 might be interested in finding out what they were later.

15 CHAIRPERSON BROWN: Does that come with their  
16 application to the Board, or does that have to be  
17 solicited specifically from us if we want to see a record  
18 of their hearing?

19 BRANCH MANAGER DE BIE: The way the regulations  
20 are crafted right now and they'll be -- they're out for  
21 15-day comment period I believe yesterday. Will require  
22 the LEAs to summarize the comments that they've received  
23 and add on to that any actions they take relative to that  
24 like, you know, we answered the question or we reported it  
25 or we changed the permit, whatever it might be, what

1 actions they took. And then the regs would obligate the  
2 LEA to provide that summary and their actions to the Board  
3 when they submit the proposed permit. So it would be  
4 placed in the public record. Anyone would be able to get  
5 access to it at that point, and the Board would have full  
6 access too. So the way it's being structured, it would be  
7 added on to the list that you'll see soon that the LEA has  
8 sent to us.

9 Yes.

10 COMMITTEE MEMBER WIGGINS: So the regulations say  
11 that the notice of the public hearing has to be sent  
12 within so many hundreds of feet of the landfill. How many  
13 feet is that?

14 BRANCH MANAGER DE BIE: Again, AB 1497 pointed  
15 over to the Government Code and the noticing requirements  
16 in there. And that part of the statute indicates a 300  
17 foot area around the site to be noticed.

18 COMMITTEE MEMBER WIGGINS: Well, that seems kind  
19 of small for some.

20 BRANCH MANAGER DE BIE: It is. The regulations  
21 will allow the LEA to expand that, not contract that, in  
22 order to ensure that the public has full notice. So we  
23 are going a bit beyond the statute in allowing the LEA the  
24 authority to expand that noticing requirement.

25 BOARD MEMBER DANZINGER: But that's at the LEA's

1 discretion.

2 BRANCH MANAGER DE BIE: Currently as the regs are  
3 drafted, it would be one of the items under a heading that  
4 the LEA should consider additional measures to ensure that  
5 the public is fully aware of the situation, and we list  
6 out that as one of several items that they should  
7 consider.

8 STAFF COUNSEL BLEDSOE: And just very briefly,  
9 Madam Chair, if I may.

10 In case there's concern on your part that that  
11 sort of noticing is not required, you ought to be somewhat  
12 comforted by the fact that is the notice that the  
13 Legislature has set for conditional use permits. So the  
14 landfills and other solid waste facilities are being  
15 treated notice wise the same as other important public  
16 decisions. And mailed notice to the property owners  
17 within 300 feet is only one of -- I believe it's three  
18 total means of noticing the proposed action. There's also  
19 a posting requirement in some cases, a publication  
20 requirement. But it is that mail notice which really hits  
21 the folks closest to the facility.

22 COMMITTEE MEMBER WIGGINS: Well, how many  
23 landfills have somebody living within 300 feet? Probably  
24 none. I don't think this is adequate.

25 BOARD MEMBER PETERSEN: I have a question,

1 Michael. I'm sorry. So the LEA can make this decision.  
2 Shouldn't they be coming to the Board to ask for  
3 permission to expand this, which should be expanded? That  
4 notice more than 300 feet is not where we need to go.  
5 It's farther than that. So the LEA makes this arbitrary  
6 decision by themselves or what?

7 STAFF COUNSEL BLEDSOE: I don't believe it would  
8 be really fair to consider it an arbitrary decision. If  
9 they decide to go beyond the minimum requirements of the  
10 law, they would have some reason for doing so.

11 For example, a particular controversial facility  
12 they might want to expand the notice distance for mail  
13 notice. And they might very well, even though if they  
14 might not be required to, they might decide to publish a  
15 notice in the newspaper. They might decide to hold more  
16 than one public meeting on the proposed facility, just for  
17 example.

18 DEPUTY DIRECTOR LEVENSON: Madam Chair, if I can  
19 indicate to the Board this very issue is the subject of  
20 the proposed regulations that have gone out for 15-day  
21 comment. So I suggest that we all take a look at that.  
22 There are certain things that we can require of LEAs and  
23 other things we cannot and be only more suggestive and  
24 encouraging. Certainly, this is an issue to the Board  
25 when the comment period is over, we will pull in all the

1 comments we get from the public. And our plan right now  
2 is to return to the Committee next month if time permits.  
3 And we think it will either be a recommendation to adopt  
4 those regulations or to go out for second 15-day comment  
5 period with additional changes.

6 CHAIRPERSON BROWN: Thank you, Howard.

7 Do we have a question?

8 COMMITTEE MEMBER WIGGINS: Would a change in the  
9 statute require a change in the law, or can the  
10 regulations you're looking at encompass that, expanding  
11 the notice, the feet for the notice?

12 BOARD MEMBER DANZINGER: We haven't have the  
13 authority to require something greater than 300 feet,  
14 correct? Because that's in Government Code. It would  
15 require legislation to do that? So all we can do is  
16 suggest and encourage, you know, use your judgment, LEA,  
17 when it's, you know, called for.

18 STAFF COUNSEL BLEDSOE: We can certainly give you  
19 more information about that in the future. But the only  
20 statutory change that would be needed in this case would  
21 be if the Legislature wanted to require additional notice.  
22 I believe within the Board's authority under the  
23 Integrated Waste Management Act upon the adoption of a  
24 proper regulation, you could require additional noticing  
25 for new or revised solid waste facilities.

1 COMMITTEE MEMBER WIGGINS: Oh, we can do that?

2 STAFF COUNSEL BLEDSOE: But not require statutory  
3 change.

4 BOARD MEMBER DANZINGER: Including the 300 feet.  
5 Or you're referring to other ways we can require people to  
6 notice?

7 STAFF COUNSEL BLEDSOE: Well, I like to reserve  
8 the right to look a little bit more carefully and closely  
9 at that. But unless Elliot feels differently, I don't  
10 think that would be outside your authority. And your  
11 object purpose of the Act is to protect the public health  
12 and safety of the environment. If you believe and have  
13 some reason to believe that additional notice is required  
14 before a facility is revised --

15 COMMITTEE MEMBER WIGGINS: Nobody lives within  
16 300 feet of a landfill. I think 300 feet is very  
17 inappropriate.

18 STAFF COUNSEL BLOCK: So just to amplify  
19 Michael's comment, I'd like an opportunity when this item  
20 comes back to actually give you some information. Because  
21 off the top of my head what Michael is saying sounds very  
22 reasonable. But I would like an opportunity to look at  
23 exactly how the statute is phrased. Sometimes they are  
24 phrased in a more limiting way that could potentially  
25 raise some issues for us in terms of the regulations, so



1 rather than making a definitive determination today. But  
2 we will absolutely bring that back.

3 CHAIRPERSON BROWN: At the next P&E Committee  
4 meeting, which I believe is October 10th, so we will fully  
5 vet this issue at that time.

6 BRANCH MANAGER DE BIE: All right. After the  
7 hearing conducted by the LEA, if this is for a revised  
8 permit or new permit, the LEA submits the application  
9 package what we refer to as the package or the application  
10 package and the permit to the Board. So now there is a  
11 layer added to this submittal from the applicant which is  
12 the permit that the LEA is either revising or writing or a  
13 new facility.

14 In that package, the LEA includes a copy of the  
15 permit, a full, complete copy of the application they  
16 received. They certify that the application is complete  
17 and correct. They indicate if there's any issues relative  
18 to the Regional Water Quality Control Board compliance  
19 order, and that would be mostly for a landfill. Any  
20 written public comments that they receive. Currently,  
21 they're not obligated to provide transcript of an oral  
22 meeting or anything like that. We're changing that with  
23 the reg to require a summary, the latest permit review  
24 report. The reviews have to be done at least every five  
25 years, so they need to give us a copy of the last report.

1 And then the LEA needs to make a finding, a statement that  
2 they find that the proposed permit they wrote is  
3 consistent with an existing CEQA document or in compliance  
4 with CEQA.

5 --o0o--

6 BRANCH MANAGER DE BIE: When Board staff receives  
7 that package, we'll evaluate it. We basically do a  
8 third-party peer review of what the LEA did. And  
9 occasionally, we do find things that they missed. And we  
10 bring that to their attention, and there's lots of  
11 discussion back and forth about how to resolve that. As  
12 Howard indicated, there is a lot of work that goes on back  
13 and forth with the LEA, including the operator as needed,  
14 sometimes including back to the local entity that did the  
15 CEQA to find answers to some of the questions that staff  
16 have looking at this package.

17 --o0o--

18 BRANCH MANAGER DE BIE: So again we look at  
19 everything. I'll call your attention especially to 7 and  
20 8, because those we have a little special authority or  
21 responsibility relative to that.

22 Relative to the closure documents for a landfill,  
23 the Board staff needs to make a finding that the closure  
24 documents are consistent with State minimum standards, and  
25 so we need -- we have the authority to make that finding.

1 We're not dependant on the LEA to do that and then just  
2 accept their finding. We need to have staff look at that.  
3 So my staff who are processing this permit application  
4 will go to the closure staff to know all things about  
5 closure documents and ask them to look at the document and  
6 in view of what's being proposed in the permit application  
7 and provide us with a finding of whether they think it's  
8 consistent or not.

9           And then the financial assurance documentation,  
10 usually what we're looking at in the Permitting and  
11 Inspection Branch is a memo from our financial assurance  
12 people to the operator saying you're in compliance. But  
13 we go back in and check in with them to make sure it's  
14 still current. Some of those have a time frame associated  
15 with it, because depending on the mechanism, there may be  
16 a need to pay into that mechanism on a regular basis. If  
17 they haven't paid in, they're not in compliance. So we do  
18 check in and make sure it's still current.

19                               --o0o--

20           BRANCH MANAGER DE BIE: Per direction of the  
21 Board way back when, the Board asked that their staff  
22 provide the Board with a finding relative to compliance  
23 with State minimum standards. So my staff will go out to  
24 the facility. They will do a top to bottom inspection of  
25 the facility, a full inspection, and make a finding

1 relative to compliance of that facility relative to the  
2 operating and design requirements of the State minimum  
3 standards, and include that finding along with the LEA's  
4 inspection and findings in our agenda item that we're  
5 going to bring to the Board.

6 --o0o--

7 BRANCH MANAGER DE BIE: Typically, we summarize  
8 these findings in the table. But then we also add a  
9 narrative relative to each of those items. So this is a  
10 quick view in the agenda item for the Board to see where  
11 we are with these various issues.

12 --o0o--

13 BRANCH MANAGER DE BIE: Relative to conformance,  
14 the Board needs to make a finding relative to whether the  
15 facility is in compliance with the Integrated Waste  
16 Management Plans through policy discussions and decisions.  
17 Basically, the Board is looking to see if this facility is  
18 identified in the document. So it's commonly referred to  
19 as the dot on the map. Some of these facilities have  
20 descriptions in the non-disposal facility element or the  
21 siting element. We're not checking to see if the  
22 descriptions match up, but if the facility has been  
23 adequately identified in that document.

24 --o0o--

25 BRANCH MANAGER DE BIE: These are a series of

1 slides regarding the Board's responsibility of CEQA. The  
2 Board as a responsible agency needs to make the same  
3 findings relative to CEQA as the lead agency that  
4 developed that document, as does any responsible agency.

5 --o0o--

6 BRANCH MANAGER DE BIE: The Board's action on the  
7 permit is discretionary, so the permit action is a CEQA  
8 action or needs to be supported by CEQA. There is  
9 guidance in CEQA relative to what the Board's doing when  
10 they're considering CEQA. They're looking to make sure  
11 that this project is not contributing to environmental  
12 damage, that the impacts are mitigated. And in the cases  
13 where they can't be mitigated, that there's been some  
14 statement made relative to that situation that's referred  
15 to the State for considerations.

16 --o0o--

17 BRANCH MANAGER DE BIE: Just a few more slides  
18 about the Board relative to CEQA.

19 --o0o--

20 BRANCH MANAGER DE BIE: I wanted to get to this  
21 slide here. But basically if the Board finds that the  
22 documentation supporting the proposed permit is not  
23 adequate, doesn't meet muster for whatever reason or not,  
24 the Board as a responsible agency has a couple options  
25 available to them through CEQA guidelines.

1           We can sue the local entity that developed that  
2 document, take the issue to court. The Board is allowed  
3 to waive the objections to the inadequate documentation.  
4 Basically do nothing. That's outlined in the CEQA  
5 guidelines. The Board could, if they could make findings  
6 relative to California Code of Regulations 15162, prepare  
7 a subsequent environmental impact report. And if they can  
8 make findings relative to 15205(2)(a)(3), they could  
9 assume lead agency and develop whatever particular  
10 document is necessary. Maybe a negative declaration.

11           You don't see a permit up there the Board can  
12 deny the permit based on CEQA. These are the options  
13 available to the Board, if CEQA is not adequate.

14                               --o0o--

15           BRANCH MANAGER DE BIE: The Board has 60 days to  
16 concur or object on the full permit 30 days for  
17 standardized. And the reasons why the Board could object,  
18 and these are found in Section 44009, is if the permit's  
19 not consistent with State minimum standards. If there's  
20 an issue with financial assurance, that's inadequate  
21 relative to operating liability or closure: If the LEA  
22 hasn't provided the permit to the Board 65 days in advance  
23 to when they plan to issue it; that's a reason for the  
24 Board to deny the permit; and if the Board finds that it's  
25 inconsistent with any standards that the Board has

1 adopted.

2 --o0o--

3 BRANCH MANAGER DE BIE: So what my staff  
4 endeavored to do is to take the proposed permit that we  
5 received. The 60-day clock starts at that time. And we  
6 try to get the proposed permit to the Board within that 60  
7 day time frame.

8 The Board only meets once a month. So sometimes  
9 we have close to 60 days. Sometimes we have very few days  
10 to review that information and prepare an agenda item and  
11 bring it to the Board. It's dependant on when we receive  
12 the proposed permit.

13 --o0o--

14 COMMITTEE MEMBER WIGGINS: Just to clarify. The  
15 Board cannot reject an application because of the  
16 inadequacy of the CEQA document?

17 BRANCH MANAGER DE BIE: Cannot deny the permit  
18 based on CEQA being inadequate, yes.

19 COMMITTEE MEMBER WIGGINS: Okay.

20 BRANCH MANAGER DE BIE: Let me highlight a rarely  
21 used -- I guess in our regulations, it indicates that the  
22 Board can deny a permit if the Board has not received a  
23 finding from the LEA that they found the document to be  
24 inadequate. So if we don't receive that finding from the  
25 LEA, then the Board could deny a permit because of that.

1 But that's rare. We usually get a finding from the LEA  
2 indicating that they found the document to be consistent  
3 with the permit.

4 Really fast, there's an exception to the rule, if  
5 there's pending action by the Regional Water Quality  
6 Control Board, that's appealed to the State Board. The  
7 Board can hold off on acting on the permit. And I think  
8 that's only come up maybe once, maybe twice in my history  
9 where that's been a factor. But if there was some sort of  
10 compliance action that the Regional Board took and that  
11 was appealed to the State Board and that appeal was moving  
12 forward, then the Board would not be obligated to act on  
13 that permit at that time until that's resolved. And then  
14 the clock would start again.

15 --o0o--

16 BRANCH MANAGER DE BIE: After the Board takes  
17 action on the permit, if they approve the permit, it would  
18 be -- the LEA would be able to issue the permit. If the  
19 Board fails to take action on the proposed permit, it's  
20 deemed to be approved. And if the Board denies the  
21 permit, they need to provide the LEA in writing the  
22 reasons why they objected or denied the permit and include  
23 in that information to the LEA that would indicate what  
24 the LEA could do or the operator could do to rectify the  
25 situation.



1           That's all I have on that. Michael and I are  
2 available for additional questions.

3           CHAIRPERSON BROWN: Thank you, Mark, very much  
4 for and Michael for your input.

5           Do we have questions on the presentation that we  
6 just got?

7           BOARD MEMBER PEACE: I had a question. On the  
8 financial assurance, you mention you looked at that to  
9 make sure they have made the payments to their financial  
10 assurance mechanisms. Do you also review that to make  
11 sure that if there's cost of living in there and prices  
12 have costs have gone up in terms of what it would cost to  
13 take care of problems or close the landfills. Is that  
14 also taken into consideration?

15          DEPUTY DIRECTOR LEVENSON: It is taken into  
16 consideration to some extent in the annual review of some  
17 of the buildup mechanisms and other mechanisms.

18          We do have in response to the direction of the  
19 Board in July I believe to undertake a study of financial  
20 assurance mechanisms for corrective action, also initiate  
21 rulemaking on some of the lessons we learned from BKK and  
22 to tighten up some of those issues. We will have  
23 proposals out on the streets later this year to address  
24 some of those issues including what would be a reasonable  
25 cost index to tie those financial assurance mechanisms to.

1 We'll have an informal public workshop scheduled in  
2 November to roll out the first round of those draft  
3 regulations to get public input. And that's one of the  
4 issues that's going to be covered there.

5           BRANCH MANAGER DE BIE: Also if there's -- if in  
6 the application package for the permit there's obvious  
7 shifts of design, increase capacity, different things like  
8 that, we're looking at the closure plan relative to those  
9 changes to make sure the plan is adequate. Part of that  
10 plan is the cost estimates. That information gets passed  
11 on to the financial assurance people to make sure that the  
12 mechanism is adequate to cover those estimates. So  
13 there's a top to bottom review both on the closure plan  
14 and the financial assurance relative to what's actually  
15 proposed in the permit. So not just current, but looking  
16 ahead to see if they're covered.

17           BOARD MEMBER PEACE: Also what you went through  
18 in permitting, you realize that with most landfills they  
19 would still need to get their water, DWR, or water permit,  
20 whatever from the Water Board. And this Board has no  
21 jurisdiction over water problems, which is very  
22 frustrating I know to us. And we are also not the last in  
23 line. So there could be water problems, concerns on a  
24 permit, and they would come to us for their permit. And  
25 we might think there's water problems, but we can't take

1 those into consideration. So I just wanted to mention  
2 that. And if you want to clarify that more, that's fine.  
3 But I know that's very frustrating.

4 BRANCH MANAGER DE BIE: Yes. There are areas  
5 that overlap between the Board's authority and the Water  
6 authority. But wholesale, pretty much we have to defer to  
7 the Water Board relative to issues relative to surface and  
8 groundwater impacts and ways to address those.

9 If an applicant came to the LEA and the Board for  
10 a permit and they were still working with the Regional  
11 Board, chances are that once they got a permit from the  
12 LEA and there were some finishing up with the Regional  
13 Board authority, there may be things that change or shift  
14 in their project that wouldn't require them to come back  
15 and revise the permit with the Waste Management Board.

16 So I think most applicants start with the  
17 Regional Board and try to work through those issues or at  
18 least get to a point where they think there aren't any  
19 issues that need to be resolved and then come to the LEA.  
20 So timing wise, we're after the Regional Board. But there  
21 have been occasions where our process worked faster than  
22 the Regional Board. And we were confronted with acting on  
23 a permit without those issues being fully worked out.

24 COMMITTEE MEMBER WIGGINS: Regional Water Boards  
25 want to close down all landfills.

1 BOARD MEMBER DANZINGER: Don't they want to close  
2 down composting facilities, too?

3 CHAIRPERSON BROWN: Thank you.

4 Do we have any other questions from the Board  
5 members?

6 Given the time, I'd like to suggest that we take  
7 a five-minute break. We only have three items on the  
8 agenda after this to be heard by the full Board. And I  
9 know the audience participants have been very patient.  
10 I'd like to take a five-minute break. It is five minutes  
11 of 12:00, and we'll reconvene. Mr. Baum.

12 MR. BAUM: Yes.

13 CHAIRPERSON BROWN: We actually you need to  
14 submit a speaker form. We aren't taking questions at this  
15 time. That was a presentation to the Board.

16 MR. BAUM: It's my understanding under the Brown  
17 Act -- and perhaps your attorney can clarify this, on an  
18 agendized item, the public can speak on it. We don't know  
19 what the questions -- whether or not we're going to speak  
20 and have a question until we see the presentation.

21 CHAIRPERSON BROWN: If you would like to address  
22 the Board, could you fill out a speaker form. And when we  
23 readjourn, then we can take that under consideration at  
24 that time.

25 MR. BAUM: Thank you, Madam Chair.

1 CHAIRPERSON BROWN: We are taking a five-minute  
2 break at this time.

3 (Thereupon a recess was taken.)

4 CHAIRPERSON BROWN: I know we went a little  
5 beyond the five minutes, but I appreciate your indulgence.

6 If we could call the roll, Kristen. We are  
7 ready.

8 EXECUTIVE ASSISTANT GARNER: Danzinger?

9 BOARD MEMBER DANZINGER: Here.

10 EXECUTIVE ASSISTANT GARNER: Mulé?

11 BOARD MEMBER MULÉ: Here.

12 EXECUTIVE ASSISTANT GARNER: Peace?

13 BOARD MEMBER PEACE: Here.

14 EXECUTIVE ASSISTANT GARNER: Petersen?

15 BOARD MEMBER PETERSEN: Here.

16 EXECUTIVE ASSISTANT GARNER: Wiggins?

17 COMMITTEE MEMBER WIGGINS: Here.

18 EXECUTIVE ASSISTANT GARNER: Brown?

19 CHAIRPERSON BROWN: Here.

20 Thank you.

21 Does anybody have any ex partes to report?

22 BOARD MEMBER MULÉ: Madam Chair, I just spoke to  
23 George Eowan on 2206.

24 CHAIRPERSON BROWN: Nobody else. Okay. Thank  
25 you.

1           We do have one speaker who would like to ask a  
2 question relative to the presentation to the Board on  
3 Agenda Item 10. Mr. Baum, if you have a question that  
4 relates specifically to the presentation and not any  
5 specific permitting issue, that would be fine.

6           MR. BAUM: Thank you, Madam Chair.

7           Specifically, in the presentation there was a  
8 couple of referrals to postclosure financial assurance.  
9 And I know the Board had met in July and had discussed the  
10 acceptance of corporate IOUs. It's my question to the  
11 Board or the presenter, has any decision been made on  
12 that? Or are you still accepting corporate IOUs?

13          DEPUTY DIRECTOR LEVENSON: Sir, I'm not aware of  
14 IOUs as an acceptable financial assurance mechanism. We  
15 did have a lengthy discussion at the Board meeting on what  
16 kinds of financial assurance mechanisms might be used to  
17 assure that beyond 30 years postclosure an operator still  
18 is posting requisite financial demonstrations. And that's  
19 the subject of an upcoming rulemaking which I'd be happy  
20 to talk to you about after. Or I can give you my card and  
21 you can call me, and I'll let you know about the timing.  
22 That's the informal workshop I alluded to in earlier  
23 November when we first had that out for public comment.

24          MR. BAUM: Thank you, Madam Chair. I apologize  
25 for disrupting the meeting.

1           CHAIRPERSON BROWN: Thank you very much.

2           Now we will move to Agenda Item 2. And Howard, I  
3 believe that was heard in Committee and referred to the  
4 full Board for a discussion and presentation for the  
5 consideration of a full solid waste facility permit for  
6 the Victorville Sanitary Landfill.

7           DEPUTY DIRECTOR LEVENSON: Thank you, Madam  
8 Chair.

9           You've already indicated the title of the item,  
10 so I'm going to turn it right over to Mark de Bie for  
11 initial staff presentation on this item.

12          BRANCH MANAGER DE BIE: Thank you, Howard. Mark  
13 de Bie with Permitting and Inspection. The proposed  
14 permit for the Victorville Landfill would allow the  
15 following: An increase from 1,600 tons per day to 3,000  
16 tons per day; incorporate various updates that have been  
17 made to the technical document; adjust the estimated  
18 closure year from 2059 to 2047; and remove a current  
19 limitation that's in the current permit that refers to a  
20 maximum amount of operating days per year of 359.

21          Staff have reviewed the submittal from the local  
22 enforcement agency and have been able to make all of the  
23 required findings in Public Resources Code 44009.  
24 Therefore, staff is recommending that the Board adopt  
25 Option 1, which is the adoption of the CEQA findings and

1 statement of overriding consideration adopted by the lead  
2 agency as amended in the Board Resolution 2006-158 Revised  
3 and to concur in the issuance of the proposed permit. An  
4 LEA and representative from the operator are in the  
5 audience still, yes, should you have any questions. And  
6 this concludes staff's presentation.

7 COMMITTEE MEMBER WIGGINS: I would like to make a  
8 comment. This failed for lack of a motion in Permitting  
9 and Enforcement. I don't know why it was referred to the  
10 full Board. But it failed to get a motion, and nobody  
11 voted on it. And I'm against it now.

12 CHAIRPERSON BROWN: Well, that's -- thank you,  
13 Pat.

14 Since it didn't have a motion and it was up for  
15 consideration, it has to be heard by the full Board, since  
16 there was not a motion for it to be heard in fiscal  
17 consent. So if we have discussion or questions of the  
18 LEA, we now have an opportunity to ask those questions.

19 BOARD MEMBER DANZINGER: Can I just repeat my  
20 questions from the Committee hearing, because I'd like to  
21 hear the responses again?

22 I mentioned in the Committee hearing my  
23 understanding was this was a 50-year plan to phase in to  
24 go from the 1,600 to 3,000 peak tons a day. And now it's  
25 coming, again as I mentioned, roughly 49 years ahead of



1 schedule with the 3,000.

2 My questions then were, what kind of flow waste  
3 from outside the area are they going after or are they  
4 expecting?

5 Second, what's the phase in? I mean, is there a  
6 plan for how they're going to Phase 2 to 3,000? And is  
7 there some particular plan that takes into account the  
8 phase-in of 3,000 that ensures the proper oversight to,  
9 you know, ensure the public health and safety of the  
10 community and of the environment.

11 So I know those questions were answered in some  
12 respect at the Committee hearing, but I'd like to hear  
13 that again and hear it more elaborative.

14 CHAIRPERSON BROWN: Does the operator want to  
15 address those questions? Come to the podium.

16 BRANCH MANAGER DE BIE: Madam Chair, I think the  
17 LEA could also add too in responding to this.

18 CHAIRPERSON BROWN: Please state your name and  
19 who you represent for the record for us, please.

20 MS. ADAMS: I'm Jackie Adams. I'm with the LEA  
21 for San Bernardino County. And I'm going to go ahead and  
22 ask Nancy Sancenetti, who represents Solid Waste  
23 Management Division, to go ahead and address those issues.

24 CHAIRPERSON BROWN: Do you have any information  
25 relative to Member Danzinger's first question, which was

1 the 49-year move up of your planning? Do you want to  
2 address that question or any of them before we move to the  
3 operator?

4 MS. ADAMS: Let me just say as the LEA what I  
5 would recommend to an operator. We have an existing CEQA  
6 document. And, you know, we were just here last year  
7 getting a permit revision for the Victorville expansion.  
8 So you saw the process that we had to go through to bring  
9 a permit for revision to the Board to get concurrence.  
10 We're going to look in that CEQA document and find the  
11 number that will give us the longest life on this permit  
12 that we can find. So we aren't asking in this case, but  
13 we would have recommended. There's the 3,000. We know  
14 that number has been analyzed. Let's put that into our  
15 permit.

16 CHAIRPERSON BROWN: Thank you.

17 MS. SANCENETTI: I'm Nancy Sancenetti with San  
18 Bernardino County Solid Waste Management.

19 To answer your question, Mr. Danzinger, there is  
20 no proposal to take out county waste at the Victorville  
21 Landfill. So it's not even something we're thinking  
22 about.

23 BOARD MEMBER DANZINGER: The acceleration is  
24 generally a product of the growth that's being  
25 experienced?

1 MS. SANCENETTI: Correct. We're hitting 1,600  
2 tons almost daily, which is our permitted level. And  
3 rather than bump it up and keep coming back again and  
4 again and again, we reviewed the environmental documents  
5 to see what level of tonnage was analyzed and the impacts  
6 from that. And that would be the 3,000 tons. So that's  
7 how we arrived at that number.

8 BOARD MEMBER DANZINGER: Okay. You know, maybe  
9 you can speak to this more, Howard, because refresh my  
10 memory. I know the staff -- even though the staff  
11 recommendation is concurrence here, there was some issues  
12 and the staff had asked for an initial study. Talk about  
13 that a little bit so I can understand what we were asking  
14 for and, you know, whether it was onerous and what it was  
15 intended to serve.

16 DEPUTY DIRECTOR LEVENSON: I'll start off, and  
17 Michael or Mark may add more details.

18 As indicated, our findings relative to the permit  
19 itself are all of the required findings have been made and  
20 that's why we recommended concurrence. Part of that  
21 involves a review of CEQA documentation and the LEA's  
22 finding. We did have a disagreement with the LEA, and we  
23 still do, with the lead agency in terms of the process  
24 that was undertaken for environmental review. It was our  
25 contention that an initial study should have been

1 conducted in the first place on top of the existing  
2 environmental documentation.

3           The LEA -- and I'm not sure. It's on page 8, the  
4 first full paragraph, the LEA did submit an analysis of  
5 the environmental impacts to staff that shows in their  
6 view that there are no -- there's no substantial evidence  
7 there are any additional significant impacts that result  
8 from moving the date up. We don't have any substantial  
9 evidence in the record before us to refute that. So while  
10 we have a disagreement on the process that was undertaken,  
11 we don't have a disagreement at this point on the ultimate  
12 finding.

13           BOARD MEMBER DANZINGER: What did they offer to  
14 substantiate that?

15           DEPUTY DIRECTOR LEVENSON: That's the material  
16 that's summarized in that paragraph.

17           BOARD MEMBER DANZINGER: Okay. Well, what I'm  
18 confused on is that we don't have anything to dispute it,  
19 but they have something to substantiate it. It's one or  
20 the other. They substantiate it which means we can't  
21 dispute it, or it's not substantiated, which means we  
22 can't dispute it and we don't know.

23           BRANCH MANAGER DE BIE: What we have in front of  
24 us is a memo from the operator to the LEA that indicates  
25 that they have looked at the program EIR relative to the

1 solid waste facility permit, provides an argument of why  
2 the program EIR does adequately address the issues that  
3 staff raised or questions that we raised with the LEA and  
4 the operator relative to both the process and the  
5 document.

6 And so based on that, we're saying, yes, there's  
7 an argument to be made that it is adequate based on what  
8 we know about the project and what we're able to quarry  
9 with the LEA and the operator. But as Howard indicated,  
10 our read of CEQA guidelines is that there's a process  
11 that's outlined when you're using a program EIR, and that  
12 hasn't necessarily been followed.

13 DEPUTY DIRECTOR LEVENSON: I'd also add just for  
14 the record that I have had discussions on Thursday and  
15 Friday both with Dan Vera, Environmental Health Director  
16 and Peter Wolfman, who's head of the Solid Waste  
17 Management Division about both the permit itself and the  
18 more general environmental review process. And I've  
19 indicated to both of those gentlemen that we do have more  
20 general disagreements about some of the processes that  
21 have been used by the county and that we do need to sit  
22 down at the table and discuss those.

23 CHAIRPERSON BROWN: Thank you.

24 Member Peace.

25 BOARD MEMBER PEACE: Mark, could you explain to

1 me what a program EIR is versus just an EIR?

2           BRANCH MANAGER DE BIE: It's been a while since  
3 I've read up on program EIRs, and maybe Michael can add  
4 more details. But essentially, when there is a proposed  
5 project that has multiple phases or elements to it, some  
6 that may be very far into the future, it is an option for  
7 a document to be developed in the CEQA process that  
8 identifies as many potential significant impacts as they  
9 can and provide whatever information is available at that  
10 time of developing that document relative to those impacts  
11 looking at ways to mitigate those to less than significant  
12 and put that through a process to support the initial  
13 approval of that strategy, that plan, that multiple  
14 phasing project.

15           I believe it's required in that documentation  
16 that it needs to be at least identified if and when  
17 additional CEQA review would be necessary. There may be  
18 milestones that are approached, and at that time  
19 additional review is looked at. There may be certain  
20 parts of the project, a phase that additional review is  
21 looked at to see if it's necessary.

22           But there is a requirement to sort of go back and  
23 look to see if that initial review that was done at a  
24 fairly high level still supports what is now currently  
25 being put in place as this phase.

1           Program EIRs typically are used when, for  
2   example, a general plan is going through amendment with  
3   the city or county where there's lots and lots of  
4   elements. Sometimes they are 50 to 100 years into  
5   advance, and you can't project out. So we try to get as  
6   much information together to provide to the decisionmakers  
7   so you can make a decision on that plan, that strategy,  
8   and then move it to the next stage.

9           An EIR is you're looking at a project that's well  
10   defined, that doesn't have a lot of subjective or a lot of  
11   guesswork associated with it. So in that case, you can do  
12   an A to Z review of all of the elements of that project in  
13   the EIR because you know them. So that's kind of what it  
14   is. It's sort of a document that matches the amount of  
15   detail and level of understanding of the project itself.

16           BOARD MEMBER PEACE: So a program EIR is based on  
17   long-term strategy or plan, but now they went to a very  
18   shorter-term plan, which is why staff had thought they  
19   needed an initial study?

20           BRANCH MANAGER DE BIE: Our read of the CEQA  
21   requirements relative to the use of a program EIR when  
22   there's changes that occurs is that there should be a step  
23   where the lead agency or the decisionmaking body involved  
24   with the project basically sits down and does an initial  
25   study. An initial study is basically a checklist, a

1 series of questions that the entity would go through and  
2 respond to in order to determine whether there are  
3 significant impacts. And based on that initial study,  
4 they can certainly say the program EIR remains adequate.  
5 We don't have to do additional review.

6 BOARD MEMBER PEACE: An initial study doesn't  
7 necessarily mean that major revisions to the PIR would be  
8 required.

9 BRANCH MANAGER DE BIE: Not necessarily.

10 BOARD MEMBER PEACE: They're just going through a  
11 checklist.

12 BRANCH MANAGER DE BIE: Typically, I think a lot  
13 of lead agencies have set up a process that wherever they  
14 initiate an initial study, that they usually try to  
15 summarize that or complete that process by coming up with  
16 some sort of document that's noticed and available for  
17 review. But again, staff's review doesn't indicate that's  
18 necessarily required. It seems our review of the CEQA  
19 guidelines seems to indicate that it's a tool to use to  
20 determine if you need to use something additional.

21 COMMITTEE MEMBER WIGGINS: I have a question. It  
22 says that the program EIR -- it goes on to talk about the  
23 increases that are proposed from increasing the property  
24 boundary from 80 acres to 491 acres; the footprint by 67  
25 acres to 341 acres; the maximum depth of excavation from



1 152 feet to 2900; and increase the landfill design  
2 capacity from 7.7 to 84 million cubic yards. Those are  
3 huge, huge changes.

4 And then it says increase to 3,000 waste tons  
5 received per day during Phase 3 near the end of the  
6 79-year project. Yet they're proposing 3,000 tons per day  
7 right now in 2006.

8 BOARD MEMBER DANZINGER: Well, yeah. I mean, my  
9 question would be, can they be at 2900 tons until year 79,  
10 and then it goes up to 3,000?

11 Okay. And I'm still trying to get clear in my  
12 mind. I want to make sure what we're not engaged in here  
13 is permit by promise. Okay. That, okay, we think that  
14 they've got measures in place from sort of a cursory  
15 reading of it. And, yeah, I know it would have been good  
16 for them to do the initial study, and they're dealing with  
17 the growth and everything.

18 But what degree of confidence do we have that if  
19 they phase into a very high number on the tonnage, you  
20 know, near 3,000, maybe not there, but close, you know, in  
21 like a five- or eight-year period, so it's our reading of  
22 everything that's there that they have measures in place  
23 that mitigate that deal with that kind of increase in the  
24 tonnage and all these other numbers that are there that  
25 Member Wiggins just pointed out. I mean, do we have our

1 arms around this?

2 And my other questions again -- this is, again --  
3 you're right. It's not required. But this is where I get  
4 frustrated in the whole process. We go by this structure,  
5 and I believe in the law, you know, you have to follow  
6 that. But I also hate it when we take a cramped view of  
7 our role, and we exist foremost to protect the public  
8 health and safety and the environment. And how cumbersome  
9 is an initial study? Is that something that could have  
10 been done fairly easily? You know, that would have been a  
11 good give and take relationship.

12 BRANCH MANAGER DE BIE: Is there a question in  
13 there? I think there is.

14 BOARD MEMBER DANZINGER: It's your job to find  
15 the question in there, Mark. I'll continue the praise.  
16 You can decipher my questions. Thank you.

17 BRANCH MANAGER DE BIE: Maybe I can outline what  
18 staff has in front of us that's available.

19 BOARD MEMBER DANZINGER: I want to understand  
20 your degree of confidence. I want to understand how  
21 confident you all are that they have it together. They  
22 have the measures in place, whether it goes from 1600 to  
23 1700 in five years or 1600 to 2700 in five years. You  
24 know, something like that. Because that may happen with  
25 the growth.

1           BRANCH MANAGER DE BIE: Staff has recommended  
2 that we have what we need to suggest to the Board that  
3 they concur on that. I think that's the flag to you that  
4 we have enough.

5           What we have is the program EIR that does talk  
6 about 3,000. It does talk about in the future. But it  
7 does include some detail about the type of equipment that  
8 will be necessary and some of the operational design  
9 aspects that need to be in place when they're handling  
10 3,000.

11           What we have is the LEA and operator saying as we  
12 approach that number, as we increase tonnage over time, we  
13 will do an assessment at least every five years. And this  
14 is where the hope comes in. Hopefully, as they build up  
15 the tonnage to make sure that they have the adequate  
16 equipment and personnel and area and cover material and  
17 have those things staff asked them about to handle that  
18 volume of material coming in.

19           The LEA is out every month. They'll be doing  
20 inspections. If there is an issue relative to State  
21 minimum standards, which could have an impact on the  
22 environment, this will be addressed reactively through the  
23 enforcement process to handle that.

24           BOARD MEMBER DANZINGER: I'm sorry, Mark. Is it  
25 not unusual that we would approve a permit that meets all

1 the other requirements that involves an increase in  
2 tonnage or other operational activities that would require  
3 new or additional infrastructure, but that infrastructure  
4 is not in place at the time? They have made a pledge they  
5 will go get that infrastructure. He will update how  
6 advanced their technology is or whatever to be able to  
7 responsively handle that much waste. Is it not unusual  
8 for us to do that?

9 I'm sorry. I'm trying to think, we approve an  
10 increase in tonnage for permits, but they don't have in  
11 place the infrastructure to responsively handle that  
12 increase. Maybe they have what's in place to be able to  
13 responsively handle 20 percent more than what they're  
14 taking in now. But they have to update and expand to do  
15 that, but we have to approve the permit.

16 BRANCH MANAGER DE BIE: I think the usual case is  
17 that we have in the submittal to the LEA and us an  
18 indication on what they will do as they approach that  
19 figure. So it won't be in place. It won't be at the  
20 site. But they'll indicate that when we hit the milestone  
21 we will buy this other piece of equipment and have it on  
22 site or borrow it from another site. So there is  
23 information in the application that indicates how they  
24 will, you know, ramp up and what they feel they need to do  
25 to ramp up to that aspect. So that's the usual case.

1           I can't tell you right now standing here whether  
2 or not this document has that level of detail in it. The  
3 LEA or the operator could probably give you a better  
4 handle on that level of detail on whether that commitment  
5 is in the actual document or not.

6           COMMITTEE MEMBER WIGGINS: I have an issue. You  
7 said that the operator sent a memo interpreting the EIR?

8           BRANCH MANAGER DE BIE: Staff went to the LEA  
9 with our questions, our concerns. The LEA sought  
10 information from the operator. The operator provided that  
11 to the LEA. The LEA provided it to us.

12          COMMITTEE MEMBER WIGGINS: What kind of  
13 information?

14          BRANCH MANAGER DE BIE: We had a conference call  
15 with the LEA and Nancy representing the operator. We  
16 outlined a series of questions that we had looking at what  
17 we had in front of us.

18          COMMITTEE MEMBER WIGGINS: Are you talking about  
19 the EIR?

20          BRANCH MANAGER DE BIE: It was relative to the  
21 permit package and EIR and how it relates. We had a  
22 series of questions. They noted those questions. The  
23 operator developed a response to those, passed it through  
24 the LEA and then to us.

25          COMMITTEE MEMBER WIGGINS: So we're counting on

1 the operator?

2 BRANCH MANAGER DE BIE: We are counting on the  
3 LEA and the operator to provide us with the information  
4 and answers and we looked at the answers.

5 COMMITTEE MEMBER WIGGINS: The EIR looks at 3,000  
6 tons in the third phase. And then we're going to operate  
7 on hope. I don't think so.

8 CHAIRPERSON BROWN: Do we have any questions?

9 BOARD MEMBER PEACE: I was going to say that Mark  
10 is saying that staff is saying that their review and  
11 whatever is adequate. But they're also saying in here  
12 that minimally adequate, and I don't think anybody should  
13 be basing this decision on something that's, you know,  
14 minimally adequate to protect the public health and safety  
15 of the environment.

16 CHAIRPERSON BROWN: Okay. Do we have -- have we  
17 exhausted our questions? Can I get a motion?

18 BOARD MEMBER MULÉ: Madam Chair, I just have a  
19 couple a questions actually for the operator and LEA.

20 While you're increasing your daily tonnage from  
21 1,600 to 3,000 tons a day, you're not increasing the  
22 maximum number of vehicles of 600 a day.

23 MS. SANCENETTI: No. We're below on our vehicle  
24 count.

25 BOARD MEMBER MULÉ: I just want to make a comment

1 here. While I share the concerns of my fellow Board  
2 members in the way that the process -- I was here last  
3 year for the September item. I have it right here, Agenda  
4 Item 8. And we did approve a number of expansion criteria  
5 for this particular facility.

6 Now, a question I have for staff. We just had a  
7 presentation on the permitting process. And so am I to  
8 understand that based on the information we received and  
9 your concurrence with this information we basically have  
10 no reason not to concur with this permit? Am I correct in  
11 asking that question?

12 BRANCH MANAGER DE BIE: There's nothing in 44009  
13 or the regulations that staff have found that would allow  
14 the Board to not concur on the permit.

15 BOARD MEMBER MULÉ: So you're basically saying  
16 that under current statute we must concur with the permit?

17 BRANCH MANAGER DE BIE: I have to say it's  
18 staff's recommendation that you concur. I don't think I  
19 can tell you what you have to do.

20 BOARD MEMBER MULÉ: Okay. Well, then based on  
21 that --

22 BOARD MEMBER PEACE: Can I ask them what an  
23 initial -- why did you decide not to do the initial study  
24 and what that would entail for you to do an initial study?

25 MS. SANCENETTI: The reason we made that decision

1 was based on the analysis of the existing documents, there  
2 would be no forthcoming new information gained from an  
3 initial study. And it would also cause a three- to  
4 four-month delay circulating through the State  
5 Clearinghouse.

6 CEQA does give you the option to evaluate your  
7 existing environmental document and have your lead  
8 environmental agency make a determination as to whether or  
9 not significant changes in mitigation measures or impacts  
10 would occur. And if they determine that they don't, it's  
11 not a requirement to do the initial study. So that is how  
12 we arrived at that decision. And that with the urgency of  
13 where our tonnage level is at right now, too. And we  
14 don't want to receive continuing violations. And we also  
15 don't want to turn people away with their waste, because  
16 they will dump it. We have a big problem with that. So  
17 that was the determination and why.

18 Because the EIR presented a 3,000 tons per day  
19 scenario that was not predicated on the timing of when  
20 that occurred -- it described it that way. But the  
21 environmental impacts were not evaluated with a background  
22 scenario of what would be going on in 2065. That was just  
23 a projection of how fast we thought we'd reach that level.  
24 But that is subject to change. And a program EIR is  
25 designed to be a flexible document.



1           We were also very clear of the provisions in that  
2 where a reevaluation of the effectiveness of our  
3 mitigation measures is every five years. So based on all  
4 of that, we felt it was adequate and the initial study  
5 wouldn't give us any new information that would change  
6 anything under the mandates of CEQA.

7           COMMITTEE MEMBER WIGGINS: I don't see why we  
8 should vote on something where the EIR is looking at 3,000  
9 waste tons in the third phase and now we're looking at it  
10 this year. That does not make any sense to me.

11          CHAIRPERSON BROWN: Thank you.

12          BOARD MEMBER MULÉ: Does staff want to respond to  
13 that comment, maybe legal staff respond to that comment?

14          COMMITTEE MEMBER WIGGINS: Who cares?

15          CHAIRPERSON BROWN: I think I can entertain a  
16 motion at this time. If I could have a motion, I think  
17 each Board member can vote as they feel appropriate unless  
18 you --

19          BOARD MEMBER MULÉ: I'd like to move Resolution  
20 2006-158 Revised.

21          BOARD MEMBER PETERSEN: I'll second that.

22          CHAIRPERSON BROWN: It's been moved by Member  
23 Mulé and seconded by Member Petersen.

24          Can you call the roll?

25          EXECUTIVE ASSISTANT GARNER: Danzinger?

1 BOARD MEMBER DANZINGER: Abstain.  
2 EXECUTIVE ASSISTANT GARNER: Mulé?  
3 BOARD MEMBER MULÉ: Aye.  
4 EXECUTIVE ASSISTANT GARNER: Peace?  
5 BOARD MEMBER PEACE: No.  
6 EXECUTIVE ASSISTANT GARNER: Petersen?  
7 BOARD MEMBER PETERSEN: Aye.  
8 EXECUTIVE ASSISTANT GARNER: Wiggins?  
9 COMMITTEE MEMBER WIGGINS: No.  
10 EXECUTIVE ASSISTANT GARNER: Brown?  
11 CHAIRPERSON BROWN: Aye.  
12 Elliot, state the rule for me. We do not have a  
13 majority by, but the permit not being denied is granted or  
14 approved.  
15 STAFF COUNSEL BLOCK: Public Resources Code  
16 Section 40410 requires four affirmative votes by the Board  
17 to take an action. So with a 3-2-1 vote, the motion  
18 fails. And then Public Resources Code Section 44009  
19 provides if the Board does not take an action one way or  
20 the other on a permit, at the end of the 60-day period --  
21 which I don't remember the date off the top of my head for  
22 this permit -- by operation of law, the permit would be  
23 deemed concurred.  
24 CHAIRPERSON BROWN: Okay. So there you go.  
25 Thank you, Elliot.

1           Okay. Now we move to Item 22 on our agenda,  
2 Consideration of Allocation Proposals to be Funded by the  
3 Integrated Waste Management Account.

4           Mark.

5           EXECUTIVE DIRECTOR LEARY: Thank you, Madam  
6 Chair. Good afternoon.

7           Agenda Item 22 is our recurring annual  
8 presentation to the Board of proposals we believe are best  
9 efforts to support the Board's priorities for funding from  
10 the Integrated Waste Management Account, fiscal year  
11 006-007. Within the Agenda Item 22, we have offered eight  
12 different allocation proposals that total \$1.295 million  
13 out of our estimate of approximately \$2 million being  
14 available and discretionary for consulting and  
15 professional services moneys from our budget.

16           These seven proposals represent staff's best  
17 thinking for alignment with the Board's priorities and  
18 also represent our estimation of what we need to fulfill  
19 those priorities and what we currently don't have within  
20 our existing resources. We obviously recognize a need for  
21 supplemental resources to complete these high priority  
22 areas. We think they link strongly with some of the  
23 strongest environmental priorities within the state of  
24 California, and I don't intend to go through these  
25 individually unless there are questions.

1 I'd like to suggest that I thought staff did a  
2 great job in defining the key work to be done in each of  
3 these seven allocation proposals and how they fulfill what  
4 we need to fulfill to make these initiatives go forward.  
5 With that, I'll conclude. I think all the deputies who  
6 have been active in preparing these proposals are here and  
7 available to answer questions, as of course I am.

8 CHAIRPERSON BROWN: Thank you, Mark.

9 So we will have specific questions on each of  
10 those items as the Board members wish. So we'll start  
11 with Member Wiggins.

12 COMMITTEE MEMBER WIGGINS: I don't understand.  
13 This seems so piecemeal, 200,000 here, 50,000 there. How  
14 can anybody do anything with that amount of money? I  
15 mean, I think it should be funding a couple of projects to  
16 the fullest instead of this piecemeal approach.

17 EXECUTIVE DIRECTOR LEARY: I think, Member  
18 Wiggins, what we've tried to do is give you an accurate  
19 estimate of what we think will be required to complete the  
20 work that is defined in each of those allocation  
21 proposals. For example, we think a good place to start in  
22 the biofuels area is the put on a forum to interact with  
23 all the knowledgeable people within the state of  
24 California and other areas across the country to sit down  
25 and work with us and identify what they think the next

1 logical step in this area would be. And we hesitate to  
2 estimate any more than \$50,000 to require to put on that  
3 forum.

4 CHAIRPERSON BROWN: So, Mark, let me just  
5 clarify. A lot of these -- and maybe what we should do as  
6 Member Peace suggested is go through one by one and ask if  
7 there are specific questions on each of those and quickly  
8 go through them. But a lot of these items are information  
9 gathering in order to put forward substantial new  
10 programs, the types of which Member Wiggins is talking  
11 about. We just don't have enough information to put  
12 forward budget concept proposals or other items in the  
13 future without doing some of these initial studies.

14 EXECUTIVE DIRECTOR LEARY: Absolutely.

15 CHAIRPERSON BROWN: Is that correct?

16 EXECUTIVE DIRECTOR LEARY: Absolutely.

17 BOARD MEMBER PETERSEN: Madam Chair, we  
18 haven't -- I don't disagree with the scope of work where  
19 we're going here. But I do have a problem with the amount  
20 of time we have to really take a look at this and where  
21 we're going. And you know, my idea here, what I propose  
22 is we put this over until our next Board meeting so we can  
23 review these things in detail and work with the staff.  
24 Because I'd like to understand this more and what's going  
25 on than what we're just seeing here today.

1           CHAIRPERSON BROWN: Mark, what would the  
2   ramification of putting these items over for a more  
3   lengthy analysis by the Board members before we take them  
4   into consideration?

5           EXECUTIVE DIRECTOR LEARY: No major reservations,  
6   Madam Chair and members. I think the only ramification is  
7   that it's one less month we have to implement these ideas  
8   and programs. And as you are probably very familiar with,  
9   particularly in the competitive area putting together an  
10  RFP and allowing the proposers to present a bid and then  
11  judge the bid, you know, it takes time. And we have to  
12  encumber the money before the end of the fiscal year or it  
13  returns to the fund. But with that explanation, a month  
14  does not --

15          BOARD MEMBER PETERSEN: It won't make or break us  
16  on this.

17          EXECUTIVE DIRECTOR LEARY: Well, the one  
18  exception I think might be the climate change proposal in  
19  the sense that this is clearly a high priority of the  
20  Administration and of the legislation and the passage of  
21  AB 32. We are a member of the Climate Action Team. We  
22  have specific objectives to accomplish, particularly the  
23  analysis of the economic impacts of climate change and the  
24  Climate Action Team's efforts. The sooner we can allocate  
25  the item, the sooner we can get going and be responsive to

1 what is clearly the most pressing issue in the  
2 environmental arena in the state of California.

3 CHAIRPERSON BROWN: Is there a report or  
4 something due in a short amount of time that would require  
5 this life cycle analysis to begin sooner rather than  
6 later, Judy?

7 DEPUTY DIRECTOR FRIEDMAN: Yes, Madam Chair,  
8 there is. Judy Friedman, Waste Prevention and Market  
9 Development Division. Thank you for reminding me.

10 There is in fact a report that the Governor has  
11 asked for and has directed the Climate Action Team to  
12 pursue, which is a refinement on the economic analysis --  
13 macro-economic analysis that was done prior to and as part  
14 of the submittal of the Climate Action Team's report to  
15 the Governor and the Legislature. There is a strong need  
16 to refine that economic analysis -- because for a number  
17 of reasons, but in particular it was a limited study. It  
18 looked at cost and only one benefit, one economic positive  
19 benefit which was fuel use and energy use. And there are  
20 multiple many other co-benefits and other benefits  
21 associated with climate change strategies, GHG reduction  
22 strategies that need to be factored in. There's a report.  
23 The time clock is ticking.

24 EXECUTIVE DIRECTOR LEARY: The second example we  
25 might just touch on for the Board's consideration is the

1 financial assurance contract allocation proposal. Again,  
2 the Board has clearly defined this as an area of emphasis  
3 and further study for the staff supplemented or maybe  
4 complimented by the Legislature speaking to that issue and  
5 the passage of the Monteez bill and suggesting that the  
6 Board focus on this area.

7           So again, a month delay isn't the end of the  
8 world. But the sooner we can get going, the more  
9 responsive we'll appear to be both to you and to the  
10 Legislature.

11           CHAIRPERSON BROWN: As a procedural possibility,  
12 if we take one or two of these items and approve them  
13 today, hold the others for consideration, if a member has  
14 a couple of weeks to look at the proposals we accepted  
15 today, if we're not happy or have questions, we could at  
16 the next month's meeting, could we not, ask for  
17 reconsideration of those items that are approved because  
18 the money would not have been encumbered prior to the next  
19 Board meeting? We're just going out with a contract or  
20 RFP.

21           EXECUTIVE DIRECTOR LEARY: Certainly, in maybe a  
22 worst case scenario. A more interim measure would be --

23           CHAIRPERSON BROWN: Worst case scenario.

24           EXECUTIVE DIRECTOR LEARY: -- to interact with  
25 staff and offer your suggestions for improvement prior to



1 developing an RFP and such.

2 CHAIRPERSON BROWN: And that's merely what I  
3 meant. It would allow staff to go forward with a process  
4 of getting the contract ready to go out for an RFP. And  
5 if we had some items that did come up during this next  
6 couple of weeks, we could ask for reconsideration of that  
7 particular item and discussion.

8 EXECUTIVE DIRECTOR LEARY: Absolutely.

9 CHAIRPERSON BROWN: So do I have consensus from  
10 the Board that we would like to hold a majority of these  
11 over to next month so that you have more time to study the  
12 proposals by staff and maybe take the Climate Action and  
13 the financial assurance up today, those two contract  
14 proposals?

15 EXECUTIVE DIRECTOR LEARY: Are there any others  
16 on the Board that are clearly home runs and in addition to  
17 the two I made the case for?

18 BOARD MEMBER PEACE: I think there are ones I  
19 would like to hold over. But I think I would prefer to go  
20 through them one by one and let us ask our questions. And  
21 if staff can't answer them adequately, then we put them  
22 over.

23 CHAIRPERSON BROWN: Are you okay with that?

24 BOARD MEMBER PETERSEN: I'm fine with that.

25 CHAIRPERSON BROWN: Let's go through them. Do a

1 quick Q&A and get a comfort level. If any of the Board  
2 members, once we have a discussion as we go through these  
3 quickly would like to take it over, please just specify  
4 this is one you would like further time on.

5 Judy, I think we've done climate. You've  
6 explained it. Does anybody have any specific questions  
7 relative to climate?

8 BOARD MEMBER PEACE: This is definitely one I  
9 would like to put over.

10 BOARD MEMBER DANZINGER: I was just going to say,  
11 the one I was thinking about I'd love to be held over  
12 until next month was this one. But I understand all  
13 the --

14 BOARD MEMBER PEACE: Look at what the Governor's  
15 Climate Action Team and everything when they're talking  
16 about it's our job to implement recovery and recyclables,  
17 implement waste diversion programs, and improve landfill  
18 gas recovery. I just don't see how an economic study  
19 improves any of those things. I think industry knows what  
20 the economics are of recycling and improved, you know,  
21 implementing waste diversion programs. I guess in my mind  
22 thinking \$500,000, to me, it would be to increase recovery  
23 and improve landfill gas recovery and do these things.  
24 I'm thinking \$500,000 would go a long way.

25 It would be better to maybe hire a lobbyist, you

1 know, for the Board to put in a -- sponsor legislation.  
2 Hire a lobbyist to produce a responsibility, reduce  
3 packaging the way the European Union does, increase  
4 diversion to 75 percent, and say, look, Marin County,  
5 they're already at 77, you know, and increase diversion.  
6 Take away the diversion credit for ADC. Ban organics from  
7 being dumped in the landfill and used as ADC. Make it  
8 mandatory that you have a gas collection system on the  
9 landfill. I mean, all those things to me are going to  
10 effect climate change more than some economic study. I  
11 just don't see how an economic study is going to do  
12 anything.

13 CHAIRPERSON BROWN: Judy.

14 BOARD MEMBER DANZINGER: Judy, is this direction  
15 that we have as part of the Climate Action Team?

16 DEPUTY DIRECTOR FRIEDMAN: Maybe I'll start with  
17 answering Board Member Danzinger's question first and then  
18 go back to your question. The answer is yes. This is a  
19 directive that we have from the Governor to update the  
20 macro-economic study that was prepared for the Climate  
21 Action Team. And each agency that is a part of the  
22 Climate Action Team must provide economic inputs to that  
23 study. So we need to do the economic analysis to be able  
24 to get a whole series of information that relates to the  
25 inputs for the revised macro-economic study.

1           And there's all kinds of things related to  
2 co-benefits, for example, you know, the economics of the  
3 co-benefits relating to criteria pollutants, the other  
4 things relating to energy, electricity, petroleum, water,  
5 et cetera. There's all different factors.

6           But in addition, this money is asking for --  
7 maybe I'm going to segue back to Board Member Peace's  
8 series of questions, and I hope I get all of them or at  
9 least get the flavor. This allocation proposal is asking  
10 for the money for not just a economic study, but also a  
11 life cycle analysis.

12           And I want to refresh the memory of the Board  
13 members of those that were here. You may remember  
14 previously I've made some presentations on climate action  
15 work we've been doing over the years. And in particular,  
16 I think it was a year ago November I spoke about the  
17 models that we have available to us, the work we were  
18 doing with Harry Berlin at U.S. EPA, and the models that  
19 we have available to us to calculate GHG reductions  
20 relative to the relationship to waste prevention and  
21 recycling.

22           And I said at that time that the models that we  
23 have are very limited in the organics portion of the waste  
24 stream. Those models do not have data or a method to  
25 calculate the organics portion. So I said at the time we

1 were going to be needing to provide a way to get that  
2 information. And this contract allocation is looking at  
3 doing just that, being able to deal with the organics  
4 portion of the waste stream and also meeting the  
5 Governor's directives of the economic inputs that we need  
6 to provide the macro-economic analysis that's being  
7 conducted.

8 BOARD MEMBER PETERSEN: So Judy, this is all  
9 inconclusive of organics to take a look at everything in  
10 the landfills, ADC?

11 DEPUTY DIRECTOR FRIEDMAN: All biomass, all  
12 organics.

13 BOARD MEMBER PETERSEN: Biomass to energy, all  
14 that.

15 DEPUTY DIRECTOR FRIEDMAN: Yes.

16 BOARD MEMBER DANZINGER: So can I ask?

17 Aside from the macro-economic data that we will  
18 get from this study, will it also include data on GHG  
19 reductions that are experienced through existing practices  
20 now, what we do with organics, what we do with recycling?  
21 Not just what we'll get if we do this. But what we get  
22 now.

23 And again, I'm always coming from a message  
24 standpoint. But I firmly believe that great laws and  
25 great actions not only achieve great things in and of

1   itself what it lays out. But they're so forward thinking  
2   that they move boldly in their arrogance, and 939 was not  
3   a GHG reduction bill. But the movement and the  
4   infrastructure and all the changes that it spurred has,  
5   you know, led to what's got to be out there, some  
6   quantitative data about how much GHG reductions we are  
7   already experiencing as a result of 50 percent and what  
8   has happened.

9                So I mean, I knows that sounds like taking a step  
10   back, but I think that's our first step is to say it  
11   works. These things that we're already doing work because  
12   it's not just about the new stuff with technologies. It's  
13   about more we do with organics and C&D and what more we do  
14   with all that other stuff. And so we've already got it.  
15   Now let's expand on that, too.

16               CHAIRPERSON BROWN: But we can't quantify it --  
17   if we don't have the data and we can't get back to 1990 if  
18   we don't know where we were in 1990.

19               BOARD MEMBER DANZINGER: That's what my question  
20   is, is this study as devised gets us that kind of  
21   quantitative data, not just the macro-economic data.

22               DEPUTY DIRECTOR FRIEDMAN: That is correct.

23               BOARD MEMBER DANZINGER: Not just here's what  
24   we'll get from more biomass. Here's where we are now.  
25   Here's what we're reducing the stuff by now.

1           DEPUTY DIRECTOR FRIEDMAN: I want to clarify.

2   Yes, you're absolutely correct. There's three strategies.

3   One of the strategies is getting to 50 percent, which

4   we've already achieved.

5           BOARD MEMBER DANZINGER: We've already gone

6   there.

7           DEPUTY DIRECTOR FRIEDMAN: We need to quantify --

8   it will be a combination of the models that we already

9   have that exist and this new data that doesn't cover those  
10   areas, the organic area.

11          CHAIRPERSON BROWN: Member Wiggins.

12          COMMITTEE MEMBER WIGGINS: I'm kind of confused.

13   I certainly support reducing greenhouse gasses. But the

14   justification for the personal services says that staff

15   doesn't possess the knowledge or experience to perform the

16   task outlined in the Scope of Work. And then the Scope of

17   Work talks about a life cycle assessment. And it's huge.

18   And then there's an economic analysis too. So there's two

19   things that are going to go on. And the life cycle

20   assessment is something -- staff is not going to learn

21   this? That's going to be contracted out?

22          DEPUTY DIRECTOR FRIEDMAN: Yes, Board Member

23   Wiggins. That's what we're requesting here is to be able

24   to contract this out. This is a very extensive, complex,

25   and detailed work that we don't possess the staff

1 expertise to do. There are specific protocols when you do  
2 a life cycle analysis, and there are people out there who  
3 have that specific expertise.

4 COMMITTEE MEMBER WIGGINS: So how does it benefit  
5 the Board having somebody do this where staff still  
6 remains ignorant?

7 DEPUTY DIRECTOR FRIEDMAN: With all contracts, we  
8 always learn. I mean, it's an amazing learning process  
9 for us. And we work very extensively with our  
10 contractors. And I'm sure, you know, I know that  
11 Executive Director Leary has spoken many times about, you  
12 know, increasing the expertise of staff. The Board  
13 members have also spoken about that as a goal.

14 And so in being able to work with a contractor on  
15 this, we want to learn those skills that would give us the  
16 expertise to be able to do this kind of work in the future  
17 or at least be able to --

18 BOARD MEMBER WIGGINS: It's important.

19 DEPUTY DIRECTOR FRIEDMAN: It's very important.  
20 But at least be able to understand the mechanics of a life  
21 cycle assessment, which we don't have the expertise right  
22 now.

23 CHAIRPERSON BROWN: Thank you, Judy.

24 Member Peace.

25 BOARD MEMBER PEACE: On the life cycle



1 assessment, since it says this will be used to prioritize  
2 the Board's efforts in implementing diversion strategies  
3 and achieving the maximum GHG benefits, to what extent are  
4 we considering conversion technology?

5 DEPUTY DIRECTOR FRIEDMAN: We have three  
6 strategies, as you know. And four of the strategy titles  
7 I think are zero waste, high recycling. We're looking at  
8 a combination of existing kinds of programs that we have  
9 to maximize those and increase those existing compost and  
10 those types of things, but also conversion technology.  
11 But it's a combination diversion conventional. We're  
12 looking at both.

13 BOARD MEMBER PEACE: Do you have any idea of how  
14 much money is going to be used for the life cycle  
15 assessment and how much for the economic analysis?

16 DEPUTY DIRECTOR FRIEDMAN: Well, no. We could  
17 guesstimate that, but we really want to be able to refine  
18 it a little bit for the RFP process as we scope it out.

19 I think my guess is that we'd probably be looking  
20 at 300,000 for the life cycle and 200,000 for the economic  
21 analysis. But that could vary. It could be 350 and 150.  
22 It could go the other way. But that's currently based on  
23 experience that we have to date.

24 CHAIRPERSON BROWN: Thank you.

25 BOARD MEMBER PEACE: This is just organics that

1 we're talking about and not talking about the --

2 DEPUTY DIRECTOR FRIEDMAN: We are talking about  
3 the organic portion of the waste stream. I call it a  
4 fraction of the waste stream because I think of a pie.  
5 But that is a pretty broad category. We're talking about  
6 the carbon-based materials going to landfill which is 70  
7 percent of what goes to the landfill. It's pretty  
8 extensive.

9 COMMITTEE MEMBER WIGGINS: I support this item,  
10 by the way.

11 CHAIRPERSON BROWN: Thank you, Pat. Me, too.

12 Procedurally, do we take each allocation up  
13 individually as we go through them or just --

14 STAFF COUNSEL BLOCK: It's really the pleasure of  
15 the Board. The first motion that is made could make some  
16 distinctions. If it's the pleasure of the Board to do  
17 them all at once, you can do that. It really is a  
18 question of whether you want to pick and choose.

19 CHAIRPERSON BROWN: In the manner of expedition,  
20 I'd like to take them individually. If we have one we  
21 hold over, we've already gone through the ones we have.  
22 If I could have a motion for the contract allocation  
23 proposal for the Climate Change Life Cycle Study.

24 COMMITTEE MEMBER WIGGINS: I move adoption of  
25 2006 D-2 Climate Change for 500,000.

1 BOARD MEMBER PETERSEN: I'll second.

2 CHAIRPERSON BROWN: It's been moved by Member

3 Wiggins and seconded by Member Peace.

4 Kristen, can you call the roll?

5 EXECUTIVE ASSISTANT GARNER: Danzinger?

6 BOARD MEMBER DANZINGER: Aye.

7 EXECUTIVE ASSISTANT GARNER: Mulé?

8 BOARD MEMBER MULÉ: Aye.

9 EXECUTIVE ASSISTANT GARNER: Peace?

10 BOARD MEMBER PEACE: I'm still not sure on this

11 one. I'm going to have to abstain on this one.

12 EXECUTIVE ASSISTANT GARNER: Petersen?

13 BOARD MEMBER PETERSEN: Aye.

14 EXECUTIVE ASSISTANT GARNER: Wiggins?

15 COMMITTEE MEMBER WIGGINS: Aye.

16 EXECUTIVE ASSISTANT GARNER: Brown?

17 CHAIRPERSON BROWN: Aye.

18 And clarification. It was seconded by Member

19 Petersen.

20 Let's move to D-3 which is the agricultural

21 compost specs. Judy, do you want to briefly describe that

22 and see if any members have any questions?

23 DEPUTY DIRECTOR FRIEDMAN: Okay. Briefly

24 describe it. This is really exciting. I think the best

25 way to briefly describe it is to give you an analogy.

1           As you all know, we just did an update to the  
2 Board on the specifications we're doing with the Caltrans  
3 project. And basically this is an analogous project.  
4 We'd like to be working with the Association of Compost  
5 Producers again, U.C. Riverside again, as well as in this  
6 case California Department of Food and Agriculture as  
7 opposed to Caltrans, our Farm Bureau representatives, as  
8 well as agriculture commissioners. And in fact, what we'd  
9 like to develop is a set of specifications for the  
10 agricultural market.

11           And again it's the same issues of lack of  
12 consistency in terms of quality products, lack of buy-in  
13 from the agricultural community that the materials are  
14 useful to them, and the whole series of things a long  
15 those lines. I think what I'll do is stop right now and  
16 ask you if you have any questions.

17           CHAIRPERSON BROWN: Thank you, Judy.

18           Member Petersen.

19           BOARD MEMBER PETERSEN: Judy, hi. Are we backing  
20 into this by going to the user -- potential users and  
21 asking them, okay, what is it you need, and this is  
22 proposed how we'll get there. Tell us your story so we  
23 make sure we meet your needs.

24           DEPUTY DIRECTOR FRIEDMAN: Yes. As a matter of  
25 fact, that's the same model that we employed with Caltrans

1 and we want to employ in this project with the  
2 agricultural community. In fact, prior to putting this  
3 together, we had a scoping session with some Farm Bureau  
4 folks, the agriculture commissioners, and all of our other  
5 typical partners and talk about what they needed in order  
6 to make sure that this was a useful project for markets in  
7 the agricultural arena. So that's precisely what we did  
8 do to scope this out.

9 BOARD MEMBER PETERSEN: Any discussions as you go  
10 through this and get the specs on what their needs are or  
11 where they would like to go? Is anything factored in on  
12 the economics of trying to get the stuff there or strictly  
13 the specifications?

14 DEPUTY DIRECTOR FRIEDMAN: Do you want to speak  
15 to that?

16 MR. LEW: Good afternoon.

17 CHAIRPERSON BROWN: Please state your name.

18 MR. LEW: Ronald Lew, Organics Materials  
19 Management Section.

20 One of the factors here is we're developing  
21 specifications and then a compost use index which steers  
22 users to the optimal composting and steers them away from  
23 compost that would not fit their needs. The economics are  
24 going to be driven by the market. What the compost index  
25 doesn't do is tell you this is the exact vendor you're

1 going to go to. This is the exact compost you're going to  
2 use at the exact price.

3           You're going to be given a range of compost  
4 suitable for you. It's then up to the user to go out on  
5 to the market and say this is the type of compost I need.  
6 I'm going to make the distinction between different  
7 vendors based on price, delivery and that sort.

8           DEPUTY DIRECTOR FRIEDMAN: Maybe I can also add  
9 to it. One of the things that we had heard over the years  
10 and in our scoping session is that, you know, the  
11 consistent quality or the lack thereof is the first step.  
12 You're right in that there are economic issues with  
13 respect to transportation and some of the other things.  
14 There's no question about that. But the biggest concern  
15 that we've heard is the lack of quality, the lack of  
16 quality specifications. So that when you use a product,  
17 you know exactly what it is and it's standard across the  
18 board. This is sort of the first step in the ultimate  
19 achieving of the market.

20           CHAIRPERSON BROWN: Thank you.

21           Member Wiggins.

22           COMMITTEE MEMBER WIGGINS: Can you do this with  
23 \$150,000?

24           DEPUTY DIRECTOR FRIEDMAN: Well, we learned from  
25 experience with the Caltrans project that we seem to be

1 making great strides with \$75,000. We learned that wasn't  
2 enough money. We really did learn that. We had a lot of  
3 our partners literally donating their time for the  
4 workshops and other things. So we started with that as a  
5 basis and we said okay, we really need more money to do  
6 this, plus the agricultural market is larger really  
7 ultimately. So you know, we doubled that. And we said  
8 based on the scoping session that we thought that this  
9 would be the appropriate amount. That's based on the  
10 input from our partners.

11 COMMITTEE MEMBER WIGGINS: Well, having  
12 specifications for compost is an important thing and  
13 defining the crops it's suitable for is also an important  
14 thing. So that's good.

15 DEPUTY DIRECTOR FRIEDMAN: Thank you.

16 CHAIRPERSON BROWN: Member Mulé.

17 BOARD MEMBER MULÉ: Thank you, Madam Chair.

18 Judy, I think you and staff know that I strongly  
19 support this concept, because this is where we need to go  
20 as you stated, developing specifications so that we have a  
21 consistent quality product out there that the ag community  
22 will use. The question that I do have though is you did  
23 have -- someone held a scoping session with the Farm  
24 Bureau folks and CDFA. And while we did receive a number  
25 of letters of support, I just want to be sure that we've

1 talked with CDFA and we have their support on this as well  
2 as the Farm Bureau's support on this. Because what I  
3 don't want is I don't want us to move forward on this and  
4 then have someone from CDFA, AG, or anybody come to us  
5 from any of these organizations and say what are you  
6 doing? We're not aware of what you're doing.

7           So I'm going to support this. But I'm just  
8 asking you to please get back to us as a Board -- as a  
9 full Board to let us know that we do have support -- you  
10 know, written support or verbal support from those folks  
11 so that again we know that we are doing what they need in  
12 order for them to increase their use of compost.

13           DEPUTY DIRECTOR FRIEDMAN: If I may, Madam Chair,  
14 speak to that. I couldn't agree with you more. I had a  
15 conversation with John Dunlap prior to this meeting where  
16 he was in the process -- with Inland Empire utility  
17 agencies and ACP was in the process of working on a letter  
18 of support from CDFA. Unfortunately, it was not -- it  
19 didn't materialize for this meeting. But they've been in  
20 conversation with the undersecretary of CDFA. I actually  
21 had a very brief conversation with him at our Pacific  
22 Southwest Residuals Conference that was put on by EPA a  
23 couple of months ago and briefly spoke about this project  
24 and he seemed interested. I mean, I can't say that's a  
25 letter of support, but interested.



1           And I think the most important thing is that the  
2 model that we've used with Caltrans is Caltrans is our  
3 client. That's how we've used this. And that's going to  
4 be the same thing for the agricultural community. CDFA,  
5 Farm Bureau and --

6           BOARD MEMBER MULÉ: Couldn't agree with you more.  
7 I just wanted to make sure this is what the client wants.

8           DEPUTY DIRECTOR FRIEDMAN: Absolutely.

9           BOARD MEMBER MULÉ: That's all I'm asking is that  
10 we go back and make sure that we get the support from  
11 them. And I'm more than ready to support this. I just  
12 want to make sure that this is -- that we communicate that  
13 with them and that this is, in fact, what they want and  
14 need.

15          DEPUTY DIRECTOR FRIEDMAN: Absolutely.

16          BOARD MEMBER MULÉ: Thank you.

17          CHAIRPERSON BROWN: Do we have any other  
18 questions? Can I have a motion?

19          BOARD MEMBER MULÉ: Madam Chair, I'd like to move  
20 Resolution 2006-167 and it's Item 2006-D3.

21          BOARD MEMBER DANZINGER: Second.

22          CHAIRPERSON BROWN: It's been moved by Member  
23 Mulé and seconded by Member Danzinger.

24          Kristen, can you call the roll?

25          EXECUTIVE ASSISTANT GARNER: Danzinger?

1 BOARD MEMBER DANZINGER: Aye.

2 EXECUTIVE ASSISTANT GARNER: Mulé?

3 BOARD MEMBER MULÉ: Aye.

4 EXECUTIVE ASSISTANT GARNER: Peace?

5 BOARD MEMBER PEACE: Aye.

6 EXECUTIVE ASSISTANT GARNER: Petersen?

7 BOARD MEMBER PETERSEN: Aye.

8 EXECUTIVE ASSISTANT GARNER: Wiggins?

9 COMMITTEE MEMBER WIGGINS: Aye.

10 EXECUTIVE ASSISTANT GARNER: Brown?

11 CHAIRPERSON BROWN: Aye.

12 Thank you, Ronald, very much for assisting us

13 with the answer.

14 COMMITTEE MEMBER WIGGINS: Wasn't this the whole

15 Resolution?

16 CHAIRPERSON BROWN: We just did D-3, the

17 agriculture compost specs. That was specifically just for

18 the agriculture section.

19 BOARD MEMBER MULÉ: She did state that.

20 CHAIRPERSON BROWN: I'm trying to get through

21 this, because this is not our last agenda item.

22 D-4, the solid waste to biofuels forum.

23 DEPUTY DIRECTOR LEVENSON: Thank you, Madam

24 Chair. I'm back again. Howard Levenson. If you can

25 indulge me for a moment, I'd like to address D-4, 5, 6,

1 and 7 as a group first. And then if you have questions on  
2 individuals ones. But I think they fit together in one  
3 sense in terms of the Board's efforts to try to move in  
4 the technology area beyond 50 percent and provide in the  
5 long-term additional tools for jurisdictions to divert  
6 materials from landfills and also to link in with both the  
7 climate change effort that Judy just talked about as well  
8 as the Administration's Bioenergy Working Group and our  
9 efforts to look at biofuels and renewable energy  
10 production. So these are all predicated on that meshing  
11 of our 939 goal and broader societal goals.

12 I think the other thing before I discuss them  
13 specifically is that it's important for the Board to  
14 recognize that in any particular area of technology, let's  
15 say ethanol versus anaerobic digestion, some things are  
16 further along than others. And that's also reflected in  
17 these concepts, particularly in the ethanol form versus  
18 the two anaerobic digestion projects and somewhat so for  
19 the landfill gas.

20 So with that, let me just say that D-4, which is  
21 the biofuels forum, it's our sense as staff that we get a  
22 number of proposals related to production of biofuels and  
23 ethanol from solid waste. And we don't have a clue right  
24 now from a technical standpoint as to which ones are  
25 meritorious and which ones are, you know, black box.

1 Somebody has a great idea, but they haven't really taken  
2 the effort to get a business plan or, you know, work on  
3 patents or things like that.

4           So our proposal on this is to work with the  
5 biomass collaborative at U.C. Davis which has both  
6 internal expertise and linkages to a lot of other agencies  
7 through the biomass collaborative to get experts into one  
8 room, talk about what's the status of the science and the  
9 knowledge based on production of biofuels from solid waste  
10 and give us a foundation so when we get -- either when we  
11 get unsolicited proposals or if you want us in the long  
12 run to go out with our own solicitation for proposals, we  
13 have a basis for evaluating those and saying, yes, this  
14 particular type of ethanol production is ready for prime  
15 time, and this one needs more basic lab research or  
16 whatever the outcome.

17           So the intent of that particular concept is to  
18 get experts into the room with us with the biomass  
19 collaborative doing a lot of the legwork, but also putting  
20 together initial background technical information.

21           That's it. Plain and simple. Should I go on to  
22 the others or take --

23           CHAIRPERSON BROWN: Why don't you do them all and  
24 then ask our questions.

25           DEPUTY DIRECTOR LEVENSON: On D -- I have to get

1 my numbers straight for a moment.

2 CHAIRPERSON BROWN: Five.

3 DEPUTY DIRECTOR LEVENSON: I'm going to skip 5.

4 D-6 and 7 are two anaerobic digestion projects. And here  
5 we're in a different situation. There's lot of anaerobic  
6 digestion facilities in Europe, some of which use solid  
7 waste. There are none that I'm aware of in the  
8 United States with the exception of a very small one at  
9 U.C. Davis which is looking at small anaerobic digestion  
10 process. We know that anaerobic digestion is workable,  
11 but it hasn't been demonstrated in California.

12 At the same time, there's a lot of different  
13 kinds of anaerobic digestion processes that can be brought  
14 to bear. So what you have before you in D-6 and D-7 are  
15 two proposals for two actual field projects. One would be  
16 a very innovative one that uses a landfill cell, but it's  
17 not a disposal project. It's actually using a lined  
18 landfill cell, put source-separated green material in,  
19 cover it, let it anaerobically decompose and then test it  
20 in terms of its marketability of gas production, so on.

21 If that's successful, that could be a model for  
22 siting future kinds of organic processing facilities at  
23 landfills which presumably have some space, unless there's  
24 no public opposition, but there's less concern about the  
25 initial siting.

1           The other one on anaerobic digestion is the  
2   Prison Industry Authority at Folsom is going to go ahead  
3   and use some of the prison food waste. And they have an  
4   in-vessel anaerobic digestion process to look at  
5   production of liquid fertilizer. And they're going to go  
6   ahead with that anyways, but we would be proposing in this  
7   small contract with them is to add in additional analyses  
8   of the market, the product, the economics, looking at the  
9   process itself and just how well it works, so we have that  
10   information to share with other entities, whether it's PIA  
11   or otherwise who might be interested in small to medium  
12   scale food composting projects. And we'll see whether the  
13   product is worthy or not in the marketplace.

14           So going back to D-5, that's obviously a little  
15   different. This is looking at landfill gas. So it's not  
16   really looking at going beyond 50 percent. But it's  
17   looking at one of the, you know, goals of producing  
18   domestic sources of biofuels and bioenergy from landfill  
19   gas production and also links into the Climate Action Team  
20   landfill methane capture strategy.

21           In this one, we've had subsequent discussions  
22   with the Bay Area Air Quality Management District since  
23   this was written up. But they're very interested in  
24   looking at the entire suite of landfills in the AQMD  
25   region and assessing which ones are ready for some kind of

1 project with landfill gas to either liquified natural  
2 goods or also looking at longer term hydrogen production.  
3 So it would be an assessment of the landfills in that area  
4 in terms of proximity to transportation that works, what's  
5 the gas production at that particular landfill, what kinds  
6 of technologies do they already have in place trying to  
7 identify 1, 2, 3, 4 landfills that are most amenable to  
8 subsequent real projects and actually taking the next step  
9 in designing what a viable landfill gas to LNG would look  
10 like.

11           The Bay Area, we have been in discussion with  
12 them. They're willing to contribute an additional \$25,000  
13 if we go forward with this. It's kind of a tweener  
14 between the biofuels forum which we're getting basic  
15 information and the anaerobic digestion ones where it  
16 would be a real field project. This is a feasibility  
17 study of specific existing landfills in terms of  
18 possibilities for future projects.

19           So I hope that answers some questions. I wanted  
20 to try to show you how they piece together at least to  
21 some extent.

22           CHAIRPERSON BROWN: Thank you, Howard. I  
23 appreciate that. That is a good overview and a lot of  
24 interesting projects, I think.

25           CHAIRPERSON BROWN: Do any Board members have any

1 specific questions on D-4, 5, 6, or 7?

2 You can do your questions on all four of them.

3 BOARD MEMBER PEACE: I get too confused. I like  
4 to think of one thing at a time.

5 D-4. On this forum, you did mention the biomass  
6 collaborative we do with U.C. Davis. I guess every year  
7 we already have a joint forum on biomass biofuels and  
8 bioproducts. How is this one going to be different and  
9 are we going to combine the two or --

10 DEPUTY DIRECTOR LEVENSON: Thank you. Actually,  
11 I forgot to mention that. We have had discussions with  
12 Brian Jenkins of the Collaborative specifically about  
13 combining this as part of this. I think it's scheduled  
14 for February if I'm not mistaken, January or February.  
15 But it is part of their annual, you know, big conference  
16 that they have that we had a specific focus on biofuels,  
17 solid waste to biofuels. It would be piggy-backing.

18 BOARD MEMBER PEACE: So they would be together  
19 they would be doing this?

20 DEPUTY DIRECTOR LEVENSON: As long as we can get  
21 the timing worked out.

22 CHAIRPERSON BROWN: I think that's one we're  
23 working on with the interagency working group as well,  
24 because they want to do their part and we want our part of  
25 it. So this would enhance that.



1           BOARD MEMBER PEACE: Do we expect to have people  
2 from other countries or invite other people?

3           DEPUTY DIRECTOR LEVENSON: That would be part of  
4 this agreement. It's one reason why the funding would go  
5 through U.S. Davis to the extent we have time to get this  
6 in place and get invitations out. It has to be a couple  
7 of months ahead of time really. So timing is of some  
8 concern here so we can get folks from other countries to  
9 come in and talk about their experiences on this area.

10          BOARD MEMBER PEACE: Because I understand there's a  
11 biofuels forum in Venice next month, I know that's on the  
12 Internet. There's one in Warsaw, Poland, the European  
13 Biofuels Forum.

14          DEPUTY DIRECTOR LEVENSON: I believe Mr. Edgar is  
15 planning to go to Venice. And I believe Mr. Berton may be  
16 taking a vacation in Italy around that time. So we may  
17 have some feedback from that particular conference.

18          CHAIRPERSON BROWN: Did you review that request?

19          EXECUTIVE DIRECTOR LEARY: If they're going on  
20 their own time, I have no control, Madam Chair.

21          BOARD MEMBER PEACE: Do you expect also to be  
22 considering biofuels from solid waste through conversion  
23 technology?

24          DEPUTY DIRECTOR LEVENSON: Well, we do have the  
25 ability to look at any kind of production of biofuels from

1 whatever technology seems appropriate. Plasma arc

2 incineration -- conversion. Freudian slip.

3 CHAIRPERSON BROWN: Any other questions?

4 BOARD MEMBER MULÉ: Madam Chair, can I move

5 Resolution 2006-167, Items 2006-D4, 2006-D5, 2006-D6, and

6 2006-D7.

7 BOARD MEMBER PEACE: I'm sorry. I had more

8 questions on the other ones. I thought we were doing them

9 one --

10 CHAIRPERSON BROWN: No. We took these four all

11 at once. I asked you if you had questions on the other

12 things.

13 BOARD MEMBER PEACE: Am I the only one that has

14 questions? Those are the only questions I had on D4.

15 Now let's go to D5. This is production of

16 liquified natural gas from landfill gas. This one I'm

17 really having trouble with, because things like this are

18 already being done across the country. When you look up

19 on the Internet, there's the National Renewable Energy Lab

20 that's doing all sorts of projects. There's the imagery,

21 sciences, and technology department that's doing things

22 with the U.S. Department of Energy. There's venture

23 capital groups out there doing things to make money to

24 make fuel from nasty gas from landfills. And then what I

25 don't understand, Waste Management was just in here a few

1 weeks ago asking for a million dollars from us to do a  
2 landfill gas to LNG project at their Altamont landfill  
3 which was going to --

4 CHAIRPERSON BROWN: Can I clarify? This item is  
5 just to study the feasibility of the network in the bay  
6 area for them to go forward on a project. This is not a  
7 demonstration project.

8 BOARD MEMBER PEACE: I recognize that.

9 CHAIRPERSON BROWN: What you're talking about is  
10 technology and demonstration projects, which is not what  
11 this item is. This is just a study.

12 BOARD MEMBER PEACE: But these companies aren't  
13 going forward with demonstration projects and putting ten  
14 million dollars into a demonstration project unless they  
15 already know the feasibility. Waste Management already  
16 decided that putting one of these projects at their  
17 Altamont Landfill was probably feasible for them. I don't  
18 see why we need to be doing the work for them. You ask  
19 any of these landfills, they know exactly how much gas is  
20 coming off their landfills and if it's feasible to hook up  
21 to the grid or feasible to make CNG to fuel their  
22 vehicles.

23 CHAIRPERSON BROWN: That's true, Cheryl. But  
24 what this study is asking for -- and I'll defer to  
25 Howard -- is this is a product they're looking at the

1 infrastructure capability in the bay area to transport and  
2 make this cost effective and workable. This is not  
3 whether we can or whether a company like Waste Management  
4 finds it feasible to do. Because what Waste Management's  
5 proposal was is to produce LNG on their facility to fuel  
6 their vehicles. This is looking at a large area and the  
7 infrastructure capabilities of transporting fuels and  
8 fueling municipal vehicle fleet.

9 Howard.

10 DEPUTY DIRECTOR LEVENSON: That's a very good  
11 summary. And this is looking at setting the stage for  
12 additional projects. I understand your concern about  
13 Waste Management. And you know, frankly, there's a LNG  
14 project going on in Bowerman right now. This is a case  
15 where there is some action going on.

16 BOARD MEMBER PEACE: Puente Hills, they're asking  
17 something like that, too.

18 DEPUTY DIRECTOR LEVENSON: I respectfully  
19 disagree with Mr. Mohajer's letter on that.

20 BOARD MEMBER PEACE: I know. They only do C&G  
21 right now. When I talked to them at the press event, they  
22 said they're very are interested in doing an LNG project  
23 also.

24 DEPUTY DIRECTOR LEVENSON: This is a chance for  
25 us to partner with a sister agency to look at what's the

1 feasibility of a variety of projects, both LNG related and  
2 potentially with looking at longer-term hydrogen in that  
3 particular district's geographic area.

4 BOARD MEMBER PETERSEN: Howard, is there design  
5 or scope on a design or evaluation of technology that  
6 you're going to be doing as well?

7 DEPUTY DIRECTOR LEVENSON: That would be part of  
8 it, looking at what's the feasibility of a particular  
9 technology at these landfills. Also looking at the  
10 pipeline and fueling networks at each landfill. And I  
11 understand the nexus there. It's a little bit gray.  
12 There are some projects going on.

13 BOARD MEMBER PEACE: There's also a project by  
14 Waste Management they did in Pennsylvania with Mac trucks.  
15 So I don't know why we're doing more feasibility studies.

16 DEPUTY DIRECTOR LEVENSON: Waste Management  
17 projects typically are looking at internal production of  
18 LNG fuels internally for their own truck systems. This  
19 would be the ability to go beyond that and linking with  
20 municipal fleets and the like.

21 BOARD MEMBER MULÉ: Howard.

22 COMMITTEE MEMBER WIGGINS: Are you on D5?

23 BOARD MEMBER PEACE: This is a real extension  
24 when really everything you read is that they're saying  
25 LNG -- landfill gas to LNG isn't that feasible, especially

1 when you consider the retrofitting the trucks and stuff  
2 they have to go through. That really isn't that feasible.  
3 And this seems to me like enough of this is being done  
4 that we don't need to do this.

5 BOARD MEMBER PETERSEN: I'd just like to say, I  
6 think it's a work in process here. We're still trying  
7 first of all to research and develop the technology and  
8 find the appropriate technology. And there's new stuff  
9 coming out all the time. So if we don't get out there and  
10 explore this -- as usual, this Board is pushing the  
11 envelope to make this stuff happen. So I'm positive about  
12 this. I feel good about this. And I think it's something  
13 we should do.

14 CHAIRPERSON BROWN: Thank you. I agree. We do  
15 markets analysis for organics and other parts of the waste  
16 stream. I see this as another cog in the wheel.

17 So Member Wiggins.

18 COMMITTEE MEMBER WIGGINS: Is a sister agency the  
19 Bay Area Air Quality Management District?

20 DEPUTY DIRECTOR LEVENSON: That's correct, Member  
21 Wiggins.

22 COMMITTEE MEMBER WIGGINS: So the issue that  
23 Cheryl Peace brought up is the operators of these  
24 landfills know whether they're premium for gas or not. So  
25 I guess I don't remember you addressing that.

1           DEPUTY DIRECTOR LEVENSON: Well, virtually every  
2 operating landfill has some kind of landfill gas  
3 collection system. In some cases, I'd have to go back and  
4 look at all the bay area landfills. In some cases, it's  
5 flared to the atmosphere. In other cases it's captured  
6 for running through turban and electricity production.  
7 There's very few instances -- there's a few scattered  
8 around the country where CNG, compressed natural gas, or  
9 LNG, liquified natural gas, is produced but it's not a  
10 commonplace occurrence.

11           So the real question here is can we jump start  
12 this in an area that has both public and private  
13 landfills, do an analysis so that both the Bay Area AQMD  
14 and ourselves as a Board know which landfills have real  
15 potential for further production of and set the stage for  
16 future projects.

17           BOARD MEMBER MULÉ: And Howard, again, as Board  
18 Chair Brown said, you're looking at regionally starting to  
19 develop an infrastructure basically based on this  
20 feasibility study. Correct?

21           DEPUTY DIRECTOR LEVENSON: That's correct.

22           BOARD MEMBER MULÉ: Thank you.

23           CHAIRPERSON BROWN: A model can be used by other  
24 air quality districts how they develop the infrastructure,  
25 what they looked at, what the capability or hurdles would

1 be in their area. It's not like it would just be a site  
2 specific thing.

3 Okay. Does anybody have any further questions on  
4 D5? How about D6?

5 BOARD MEMBER PEACE: I don't particularly care  
6 for that. And our Energy Commission site already said the  
7 anaerobic digestion is feasible. And I don't know if we  
8 need to -- if there's anaerobic digestion projects going  
9 on all the time.

10 DEPUTY DIRECTOR LEVENSON: The only thing I will  
11 say is simply there are no -- other than the U.C. Davis.

12 BOARD MEMBER PEACE: What's happening with U.C.  
13 Davis? What is going on with that so that we need to put  
14 money into another study before?

15 DEPUTY DIRECTOR LEVENSON: There are many  
16 different kinds of anaerobic digestion and many different  
17 possible settings. U.C. Davis is testing a patented  
18 two-stage digestion system that may be one that is of  
19 great use to local jurisdictions. There are two others  
20 that may also be of use to local jurisdictions. They're  
21 different systems, different processes. But that's the  
22 only one I'm aware of in the state that's doing anything.  
23 And that's extremely small scale. Anaerobic digestion is  
24 common for manure. It's common for biosolids, not for  
25 solid waste or food waste.



1           CHAIRPERSON BROWN: I thought it was interesting  
2 doing the closed anaerobic digestion on a landfill with a  
3 capability of going back and mining it later for usable  
4 product afterwards.

5           DEPUTY DIRECTOR LEVENSON: I think there's a lot  
6 of potential here on that particular one. And you know,  
7 the specs project that you just discussed I think is a  
8 critical step in the development of compost markets. But  
9 at the same time, we all know that composting facilities  
10 are extremely difficult to site. They have all kinds of  
11 regulatory slings and arrows being shot at them from  
12 different agencies. And in my opinion, the more  
13 innovative and flexible we can be in providing  
14 opportunities for organics materials processing, the  
15 better off we're all going to be in terms of trying to  
16 enhance that market.

17          BOARD MEMBER DANZINGER: Well said.

18          CHAIRPERSON BROWN: Any other questions on D6?  
19 D8, the Prison Industry Food Waste.

20          Any questions? Do we want to --

21          BOARD MEMBER MULÉ: Should we take them one at a  
22 time?

23          BOARD MEMBER PEACE: I had a question on D8, just  
24 one question. In your proposal --

25          CHAIRPERSON BROWN: He hasn't done a proposal on

1 D8 yet. We can go back one at a time and do these --  
2 BOARD MEMBER MULÉ: D4 through D7. We'll take  
3 these one at a time. I'd like to move Resolution  
4 2006-167, Item 2006-D 4.  
5 CHAIRPERSON BROWN: Can I have a second?  
6 COMMITTEE MEMBER WIGGINS: Second.  
7 CHAIRPERSON BROWN: It's been moved by Member  
8 Mulé and seconded by Member Wiggins.  
9 Kristen, can you call the roll?  
10 EXECUTIVE ASSISTANT GARNER: Danzinger?  
11 BOARD MEMBER DANZINGER: Aye.  
12 EXECUTIVE ASSISTANT GARNER: Mulé?  
13 BOARD MEMBER MULÉ: Aye.  
14 EXECUTIVE ASSISTANT GARNER: Peace?  
15 BOARD MEMBER PEACE: Aye.  
16 EXECUTIVE ASSISTANT GARNER: Petersen?  
17 BOARD MEMBER PETERSEN: Aye.  
18 EXECUTIVE ASSISTANT GARNER: Wiggins?  
19 COMMITTEE MEMBER WIGGINS: No. Done.  
20 CHAIRPERSON BROWN: I'm done too.  
21 (Laughter)  
22 EXECUTIVE ASSISTANT GARNER: Brown?  
23 CHAIRPERSON BROWN: Aye. Done.  
24 Next item.  
25 BOARD MEMBER MULÉ: Next one, Madam Chair. I'd

1 like to move Resolution 2006-167 Item 2006-D-5.

2 BOARD MEMBER PETERSEN: I'll second that.

3 CHAIRPERSON BROWN: It's been moved by Member

4 Mulé and seconded by Member Petersen.

5 Kristen, call the roll.

6 EXECUTIVE ASSISTANT GARNER: Danzinger?

7 BOARD MEMBER DANZINGER: Aye.

8 EXECUTIVE ASSISTANT GARNER: Mulé?

9 BOARD MEMBER MULÉ: Aye.

10 EXECUTIVE ASSISTANT GARNER: Peace?

11 BOARD MEMBER PEACE: No.

12 EXECUTIVE ASSISTANT GARNER: Petersen?

13 BOARD MEMBER PETERSEN: Aye.

14 EXECUTIVE ASSISTANT GARNER: Wiggins?

15 COMMITTEE MEMBER WIGGINS: Aye.

16 EXECUTIVE ASSISTANT GARNER: Brown?

17 CHAIRPERSON BROWN: Aye.

18 BOARD MEMBER MULÉ: Madam Chair, I'd like to move

19 Resolution 2006-167 Item 2006-D-6.

20 BOARD MEMBER PETERSEN: I'll second that.

21 CHAIRPERSON BROWN: It's been moved by Member

22 Mulé and seconded by Member Petersen.

23 Kristen.

24 EXECUTIVE ASSISTANT GARNER: Danzinger?

25 BOARD MEMBER DANZINGER: Aye.

1 EXECUTIVE ASSISTANT GARNER: Petersen?  
2 BOARD MEMBER MULÉ: Aye.  
3 EXECUTIVE ASSISTANT GARNER: Peace?  
4 BOARD MEMBER PEACE: Aye.  
5 EXECUTIVE ASSISTANT GARNER: Petersen?  
6 BOARD MEMBER PETERSEN: Aye.  
7 EXECUTIVE ASSISTANT GARNER: Wiggins?  
8 COMMITTEE MEMBER WIGGINS: Aye.  
9 EXECUTIVE ASSISTANT GARNER: Brown?  
10 CHAIRPERSON BROWN: Aye.  
11 BOARD MEMBER MULÉ: One more here.  
12 I'd like to move Resolution 2006-167. Item  
13 2006-D-7.  
14 BOARD MEMBER PETERSEN: I'll second.  
15 CHAIRPERSON BROWN: It's been moved by Member  
16 Mulé and seconded by Member Petersen.  
17 Kristen.  
18 EXECUTIVE ASSISTANT GARNER: Danzinger?  
19 BOARD MEMBER DANZINGER: Aye.  
20 EXECUTIVE ASSISTANT GARNER: Mulé?  
21 BOARD MEMBER MULÉ: Aye.  
22 EXECUTIVE ASSISTANT GARNER: Peace?  
23 BOARD MEMBER PEACE: Aye.  
24 EXECUTIVE ASSISTANT GARNER: Petersen?  
25 BOARD MEMBER PETERSEN: Aye.

1 EXECUTIVE ASSISTANT GARNER: Wiggins?

2 COMMITTEE MEMBER WIGGINS: Aye.

3 EXECUTIVE ASSISTANT GARNER: Brown?

4 CHAIRPERSON BROWN: Aye.

5 I think you're up again, Howard. Resolution

6 2006-167 2006-D8 for your presentation.

7 DEPUTY DIRECTOR LEVENSON: I'm not sure there's  
8 much I need to say about this. It's been directed by the  
9 Board we do this. And it's complemented, as Mark said, by  
10 the legislation. If you have any questions, be happy to  
11 try to answer them.

12 BOARD MEMBER PEACE: That was the only question I  
13 had. This does include everything that's required of AB  
14 3229.

15 DEPUTY DIRECTOR LEVENSON: One phase in the  
16 legislation that came in after we did this Scope of Work,  
17 we'll have to make sure when we send this out -- this will  
18 be a competitive bid for sure. When we do the RFP -- if  
19 you look at the very first sentence in the concept, cover  
20 long term known or reasonably foreseeable corrective  
21 actions. The Legislature also has the term postclosure  
22 maintenance, the longer term postclosure maintenance.  
23 We'll amend the scope to reflect that. That's the only  
24 difference with the legislation.

25 CHAIRPERSON BROWN: Okay. Thank you, Howard.

1 BOARD MEMBER MULÉ: With that, Madam Chair, I'd  
2 like to move 2006-167 Item 2006-D8.

3 BOARD MEMBER PEACE: Second.

4 CHAIRPERSON BROWN: It's been moved by Member  
5 Mulé and seconded by Member Peace.

6 Kristen.

7 EXECUTIVE ASSISTANT GARNER: Danzinger?

8 BOARD MEMBER DANZINGER: Aye.

9 EXECUTIVE ASSISTANT GARNER: Mulé?

10 BOARD MEMBER MULÉ: Aye.

11 EXECUTIVE ASSISTANT GARNER: Peace?

12 BOARD MEMBER PEACE: Aye.

13 EXECUTIVE ASSISTANT GARNER: Petersen?

14 BOARD MEMBER PETERSEN: Aye.

15 EXECUTIVE ASSISTANT GARNER: Wiggins?

16 COMMITTEE MEMBER WIGGINS: Aye.

17 EXECUTIVE ASSISTANT GARNER: Brown?

18 CHAIRPERSON BROWN: Aye.

19 And that takes us finally --

20 BOARD MEMBER PETERSEN: Madam Chair, just one  
21 comment. Hopefully, the next time we can get here maybe a  
22 little earlier so we can all take a look at this, because  
23 this is fabulous stuff and I want to know more about  
24 what's going on.

25 I you have no problem with what's on the agenda

1 here. But just we have to have some time to deal with  
2 some of this stuff.

3 CHAIRPERSON BROWN: I appreciate that. Thank  
4 you, Gary.

5 EXECUTIVE DIRECTOR LEARY: Heard loud and clear,  
6 Madam Chair and members.

7 CHAIRPERSON BROWN: The next item is presentation  
8 of approval of first phase of remediation project, the  
9 Last Rubble Pile Disposal Site under the Solid Waste  
10 Co-Disposal Site Cleanup Program, and that will be Wes  
11 Minderman and Steve Levine.

12 DEPUTY DIRECTOR LEVENSON: I'm going to go ahead  
13 and start this off, Madam Chair, and ask you how long a  
14 version you want. But let me give you a little  
15 background.

16 Obviously this item -- the title for this item  
17 was just posted on Friday, and we did that working in  
18 conjunction with our Legal Office.

19 This particular situation concerns a subterranean  
20 fire in Candlestick Point State recreation area.

21 As Wes will explain, we've worked with Department  
22 of Parks and Recreation and with San Francisco Fire  
23 Department to assist them in trying to suppress the fire  
24 beforehand without success.

25 As a result, in the last week, the Department of

1 Parks and Rec -- and we have a letter that has been passed  
2 out or we will pass out -- has requested our assistance in  
3 suppressing the fire and also in working out a long-term  
4 remediation project under the solid waste cleanup project  
5 at the site.

6 I realize this is very short notice. You haven't  
7 had a chance to really see the item today. So we're going  
8 to do our best to try to explain it in short shift and see  
9 if you have any questions and where you'd like to go with  
10 that.

11 We did feel it was in the best interest both of  
12 the local community and the State to bring this to you for  
13 consideration now since it is an existing situation, an  
14 existing fire. It's not an emergency in the sense of a  
15 major conflagration and lots of smoke pouring out. But it  
16 is something that in the opinion of our staff, who have  
17 gone out there, and the other entities involved does  
18 require immediate action, which is something that is  
19 authorized under the statutes for the program.

20 Addressing this now would allow for the immediate  
21 situation to be dealt with and then set the stage for  
22 subsequent consideration of a longer term remediation  
23 project. At the same time, we also do want to ensure that  
24 all the proper communication channels are being -- I'm  
25 losing my thought process here -- pursued and that all the



1 responsible protocols are being followed. And to that  
2 end, Scott Walker has had some initial conversations with  
3 the Office of Emergency Services. And also our Executive  
4 Director Mark has contacted Cal/EPA and Don Johnson, the  
5 Undersecretary there has also called OES. And at OES's  
6 suggestion called the State Fire Marshal. Don's advise is  
7 that before we actually go in and do any particular work,  
8 we first make sure that we have OES and the State Fire  
9 Marshal at the site to look at it and just make sure  
10 there's no additional determinations that are made that  
11 are needed and that we have the proper communication  
12 channels being opened and followed.

13           So what we're seeking at the end of Wes's  
14 presentation is your approval to go forward with this  
15 project, but pending ensuring that we have those further  
16 discussions with OES and State Fire Marshall and make sure  
17 everybody has signed off on this.

18           With that, I'll turn it over to Wes. We have a  
19 couple of pictures, and we'll try to make it short.

20           COMMITTEE MEMBER WIGGINS: Who is Wes with? Who  
21 is this fellow?

22           DEPUTY DIRECTOR LEVENSON: This fellow right  
23 here?

24           CHAIRPERSON BROWN: This distinguished young  
25 gentleman works for the Board.

1 BOARD MEMBER MULÉ: You don't know Wes Minderman?

2 SUPERVISOR MINDERMAN: I do not have my pin on, but I  
3 have my wrist band on today.

4 DEPUTY DIRECTOR LEVENSON: Wes is the supervisor  
5 in charge of the Solid Waste Cleanup Program, all of the  
6 sites we've done all up and down the state. He's the one  
7 who implements all those projects and will be presenting  
8 this item.

9 COMMITTEE MEMBER WIGGINS: I also hope we're  
10 going to hear from the State Parks people.

11 DEPUTY DIRECTOR LEVENSON: State Parks is here.  
12 They've been sitting through the entire Board meeting very  
13 graciously. And they're absolutely here to testify and  
14 answer any questions you have.

15 SUPERVISOR MINDERMAN: Thank you, Madam Chair. I  
16 think we have some housekeeping that we have to do. Under  
17 the provisions of the Government Code, do we have to vote  
18 to hear this item before I can formally present this?

19 STAFF COUNSEL BLOCK: Let me go ahead and address  
20 that. And then it's a little bit of a chicken and the egg  
21 problem with the way the statute was set up. As was  
22 mentioned, this particular item was added to the agenda on  
23 Friday. Government Code Section 11125.3 does provide that  
24 the Board may take action on an item not originally on the  
25 posted agenda if by two-thirds vote you decide there's a

1 need to take immediate action and that the need came to  
2 our attention after the ten-day period.

3 It also requires certain notice at least 48 hour  
4 notice to newspapers and radio and posting on the web,  
5 which actually was taken care of on Friday. So  
6 procedurally that's why I was kind of waiting. I was  
7 going to make sure this happened by the end of the item.

8 You can if you'd like vote now to decide to hear  
9 the discussion, and then that wouldn't be to decide what  
10 to do yet. You can also if you feel that you need to hear  
11 the discussion first, hear the discussion, and you will  
12 just have to do two votes at the end.

13 CHAIRPERSON BROWN: I'd like to hear the  
14 discussion.

15 BOARD MEMBER MULÉ: So would I.

16 STAFF COUNSEL BLOCK: That's why I said it's a  
17 little bit of the chicken and the egg, how do you decide  
18 whether there's a need if you haven't actually heard.

19 CHAIRPERSON BROWN: We'll get the presentation  
20 and then we'll vote to consider the item. And then we'll  
21 vote on what our consideration is. So we just take two  
22 votes consecutively rather than vote not knowing what it  
23 is we're taking under consideration.

24 (Thereupon an overhead presentation was  
25 presented as follows.)

1           SUPERVISOR MINDERMAN: Good afternoon, Madam  
2 Chair and members of the Board. I'll be brief. I know  
3 the hour is late and you have other things you have to  
4 take up also this afternoon. But the item for your  
5 consideration this morning is for the first phase of a  
6 potential cleanup at the Last Rubble Disposal Pile  
7 Disposal Site within the Candlestick Point State  
8 Recreation area in San Francisco. It is what's known as  
9 an urban state recreation area and has been in existence  
10 since the property was purchased in 1973 and then  
11 development as the State recreation land began in 1977.

12           Board staff were initially contacted in  
13 mid-August by the Department of Parks and Recreation and  
14 also Region 9 of the United States Environmental  
15 Protection Agency and made aware of what we'll call a  
16 subsurface fire at a disposal site in the Last Rubble Pile  
17 area.

18           Board staff on August 24th went out to visit the  
19 site and did in fact confirm there was a subsurface fire  
20 on the disposal site and at that time provided specific  
21 recommendations to the Department of Parks and Recreation  
22 to extinguish the fire. At that time it was hoped by  
23 staff a measured response by Department of Parks and  
24 Recreation staff to extinguish the fire from the surface  
25 would work.

1           Approximately two weeks later on -- also I want  
2 to make a point at that time also we did consult with the  
3 San Francisco Fire Department on the approach, who was the  
4 local fire authority for that area. And they agreed that  
5 that would be the appropriate response to the subterranean  
6 fire at that time.

7           Approximately two weeks later, staff were  
8 contacted again by the Department of Parks and Recreation  
9 and informed they suspected the fire was continued to be  
10 burning and that their efforts were having little or no  
11 effect on the subterranean fire. As a result, Todd  
12 Thalhammer and I went out again and investigated it and  
13 found that indeed the subsurface fire was still burning  
14 and noticed several depressions which were not there  
15 before and also detected a subsurface temperature of about  
16 500 degrees Fahrenheit.

17           So at that time, we confirmed that the efforts by  
18 the Department of Parks and Recreation didn't seem to be  
19 abating the environmental concern and the potential threat  
20 to public health and safety and the environment. And it  
21 was determined and staff thought it would be in the best  
22 interest of all the parties involved, the State, the  
23 agencies, and the personnel this Board should be  
24 considered an urgent item, as opposed to waiting until the  
25 next regularly scheduled Board meeting in October.

1           So due to the technical nature of suppressing the  
2 fire and the resources required and also the potential  
3 risk to the general public and also State Parks personnel,  
4 DPR submitted a request to the Board for assistance under  
5 the solid waste disposal and co-disposal site cleanup  
6 program. And I haven't moved this slide thing at all,  
7 have I?

8                               --o0o--

9           SUPERVISOR MINDERMAN: It might help if you can  
10 see pictures of the area. There's the summary.

11           Here again is the summary. We're asking for  
12 \$75,000 for a Board managed remediation under utilizing  
13 one of our remediation contractors. You can see the  
14 area --

15                               --o0o--

16           SUPERVISOR MINDERMAN: -- is in the background.  
17 Here is Monster Park, which is home of the San Francisco  
18 49ers. The area that is burning is adjacent to the  
19 parking lots for that facility and also to more developed  
20 areas of the State recreation area. They have a number of  
21 facilities including bike path, hiking paths, fishing  
22 piers, rest rooms. But the area that we are talking about  
23 today is probably one of the last undeveloped areas in the  
24 State recreation area.

25                               --o0o--

1           SUPERVISOR MINDERMAN: Here's another viewer  
2 which you can see it's directly adjacent to the bay or  
3 Yosemite Slough there and Hunters Point Naval Facility  
4 directly across.

5           You can see San Francisco Fire Department  
6 responded initially to the surface fire in early August  
7 and has responded out there a number of times over years.  
8 And you can see the threat that's posed to the first  
9 responders here. It was reported to us they had three  
10 fire fighters injured in early August, one with a broken  
11 ankle or severely sprained ankle and several back  
12 injuries. And also the nearest source of water for the  
13 fire department is about 4,000 feet away.

14           So there's some technical hurdles. There isn't a  
15 subsurface fire suppression. A subsurface fire requires  
16 excavation of the burning material, extinguishing the  
17 material, and placing the material back into the  
18 excavation, and covering it with soil, which is what we  
19 would propose to do if the Board approved this project  
20 today. And we would be working with Parks and Recreation  
21 to develop a larger cleanup to obviously bring the  
22 facility into compliance with State minimum standards.  
23 There's a lot of surface debris and some issues which we  
24 haven't had a chance to quite frankly investigate. But  
25 we'll be working with them to develop a project they can

1 tackle with their own resources or possibly come back to  
2 the Board under the Solid Waste Disposal and Co-Disposal  
3 Site Cleanup Program for consideration at that time.

4 --o0o--

5 SUPERVISOR MINDERMAN: But in any case, to  
6 summarize, we have gone out twice and provided technical  
7 assistance to State Parks. We've consulted with the  
8 San Francisco Fire Department, which is the fire authority  
9 for that area. We've consulted with Region 9 of the  
10 United States Environmental Protection Agency, which would  
11 be the federal emergency response agency for that area.  
12 As staff indicated, we have at least at the staff level  
13 contacted the Governor's Office of Emergency Services, the  
14 duty officer there, and have been put in touch with the  
15 specialist for the area, told them that the fire is  
16 burning and have received no comment or direction at this  
17 point from the Governor's Office of Emergency Services.  
18 And we are willing to sit down and meet with any other  
19 agency that the Board feels needs to be met with to make  
20 sure our response is appropriate and measured.

21 So at this time, we appreciate the opportunity to  
22 present the item to you. We thought it was in our best  
23 interest to present it at this time as opposed to waiting  
24 for the next regularly scheduled meeting. And our staff  
25 recommendation would be the Board adopt Resolution



1 2006-179 and approve the project. And we'll be reporting  
2 back to the Board on what measures were taken and how  
3 successful they were.

4 So if you have any questions, I have Todd  
5 Thalhammer, Board staff, who's the subsurface or landfill  
6 expert, I can say that, at the Board. I also have Parks  
7 personnel patiently sitting in the back if you'd like to  
8 make a comment or if you have any questions of me.

9 COMMITTEE MEMBER WIGGINS: We need to hear from  
10 the Parks people.

11 MR. MADSON: I'm Craig Madson, the Park  
12 Superintendent for the Bay sector which includes  
13 Candlestick Point.

14 Candlestick Point is a very important park to  
15 California. As was mentioned, it's the first urban park  
16 in California. The park sits on a historic landfill.  
17 San Francisco has used that for a landfill for many years  
18 prior to the State acquiring the property. This was one  
19 of the last landfill areas of Candlestick Point. And in  
20 that area, they've buried everything from telephone poles  
21 to barrels to massive concrete to you name it. It's  
22 buried underground there.

23 What we have there is a fire that is burning  
24 inside of the buried landfill. That area was never capped  
25 when it was completed. They just walked away and left it,

1 and the State acquired the property as a State Park.

2           The long-term plans for the property would be to  
3 develop this for low impact visitor use. Visitors are  
4 still using this property today. Right now there's a  
5 series of foot paths there. They're volunteer foot paths  
6 that criss-cross this area. It has historically been used  
7 by the homeless for encampment. This fire was possibly  
8 caused by a homeless person that was actually camping in  
9 the old rubble site.

10           I can answer any questions you might have on the  
11 property.

12           COMMITTEE MEMBER WIGGINS: Can you talk about the  
13 emissions that are going over to Hunter's Point? And  
14 because I think this is an environmental justice issue.

15           MR. MADSON: There are many environmental justice  
16 issues with Candlestick Point as the first urban park.  
17 Much of what we do at Candlestick Point is looked at as an  
18 environmental justice issue.

19           The emissions that might be coming from this, I  
20 have to leave that to further experts that can tell me  
21 what is actually coming from the property, and they might  
22 be to answer that some of the emissions that are coming  
23 out of that. But we are burning toxic materials, creosote  
24 poles, creosote pilings, things like that which are  
25 possibly burning under the surface. That's why we want to

1 find out what's there and extinguish it.

2 CHAIRPERSON BROWN: My understanding is this is a  
3 previously unlined landfill owned by the City of San  
4 Francisco. Was it ever formally closed before the State  
5 purchased it? I mean, what was the condition of the  
6 landfill when the State purchased this? Because these  
7 pictures -- I mean, I'm amazed one that the State  
8 purchased this without due diligence.

9 Two, that the State Parks Department left it in  
10 the condition and that it hasn't been cleaned up. And  
11 three, there are any walking paths through this area when  
12 we've had people injured.

13 So not only are we being asked as an  
14 Environmental Protection Agency to clean up what wasn't  
15 done in due diligence in my opinion when this was  
16 purchased, but also to remediate a hazardous fire that's  
17 going on subterranean. So I have a little bit of a  
18 problem with this, because we're being asked to do things  
19 that we are not responsible for, but we're being left with  
20 because they're not being handled by the appropriate  
21 agencies.

22 COMMITTEE MEMBER WIGGINS: Parks doesn't have any  
23 money.

24 CHAIRPERSON BROWN: Well, I know they don't have  
25 money, Pat. But the State purchased this. And now

1 because there's a subterranean fire -- the City of  
2 San Francisco used this area as a dump. It was never  
3 formally closed. It was never a lined landfill. I mean,  
4 if we go in there and remediate this fire, who's to say  
5 there's not another one in a couple months. I mean, this  
6 is -- you know, plus look at the condition that this is  
7 left in still.

8 MR. MADSON: The only thing I can say to that is  
9 that's why we have been in discussion about a long-term  
10 project for this site. This last rubble area is the last  
11 area in Candlestick that has not been remediated for the  
12 rubble that is on the site.

13 The State did acquire this property as is, as you  
14 see it here. There was no remediation efforts done on it.  
15 We have done that in several instances. We've recently  
16 done another park like this called East Shore State  
17 Seashore. The State is routinely acquiring land  
18 throughout California for recreational and preservation  
19 purposes.

20 This park is an exceptional park. It is right on  
21 the San Francisco Bay. It was acquired to provide some of  
22 the first access to the bay to the public. It is a  
23 wonderful place. There are plans in place to restore this  
24 property. Currently, we do not have funding to do that.

25 BOARD MEMBER PETERSEN: Wasn't this purchased a

1 long, long time ago?

2 MR. MADSON: It was acquired in the 1970s.

3 BOARD MEMBER PETERSEN: So before even the Board  
4 was here.

5 SUPERVISOR MINDERMAN: Wes Minderman for the  
6 staff.

7 I would also -- the current condition of this  
8 park of the overall State recreation area certainly leaves  
9 a lot to be desired. We are still in the preliminary  
10 investigation phase. So whether or not this was closed in  
11 accordance -- it certainly is an unlined landfill. I can  
12 tell you that. That based on my knowledge, there were no  
13 lined landfills prior to -- back in the 1970s. And then  
14 it was common practice most of -- a lot of the Bay Area it  
15 was common practice that the wharf fronts or waterfront  
16 areas were the historic dumps. And now that real estate  
17 has become incredibly valuable because of the development  
18 in the Bay Area.

19 So that kind of leaves me to the next question --  
20 or the next issue that I should bring out is that right  
21 now because the Department of Parks and Recreation is a  
22 State agency and holds this land for the public benefit  
23 and for the public use, staff are recommending a waiver of  
24 cost recovery with respect to this action. However, we  
25 are reserving our right as indicated in the agenda item

1 that if based on further investigation that we determine  
2 that there are other responsible parties, namely previous  
3 owners, whether they be public or private -- that's kind  
4 of a legal issue, but there is that potential to pursue  
5 cost recovery under those avenues, it is in fact  
6 practicable. So that is one issue I wanted to bring to  
7 your attention.

8 But we will be working with State Parks to see if  
9 we can improve this area and bring it into compliance with  
10 State minimum standards by whatever appropriate avenue  
11 there is. But I think the immediate urgent issue is  
12 addressing the subterranean fire that continues to burn  
13 out there in an area that the public has access to that  
14 State Parks personnel are trying to deal with and that the  
15 San Francisco Fire Department, the local fire authority,  
16 really doesn't have the resources or expertise to deal  
17 with.

18 CHAIRPERSON BROWN: Member Mulé, did you have  
19 some questions?

20 BOARD MEMBER MULÉ: Thank you, Madam Chair.

21 I mean, I concur with your comments. You know, I  
22 just have some concerns that this old landfill was never  
23 properly closed or capped or whatever. I mean, that in  
24 itself is a huge concern to me. And the fact that I know  
25 you purchased it in the '70s. And nothing directed at you

1 personally. But again, you purchased property, you know,  
2 in this condition. I would hope that you would have, you  
3 know, some priority in terms of and responsibility in  
4 cleaning it up. Because as Board Chair Brown just stated,  
5 people are walking around in that area and biking, and  
6 that is a public health hazard. So how can we allow that,  
7 you know, to happen?

8           And I also know that underground as we call or  
9 subterranean, you know, fires at landfills are -- they're  
10 very dangerous and they're very difficult to put out. And  
11 so I'm familiar with them, because I've been involved in a  
12 few of them over the years. So I just -- I mean, I think  
13 we need to get this problem addressed. But I would  
14 certainly hope that in the future, you know, that our  
15 sister agency would, you know, do -- again, if you're  
16 going to purchase property, that you would have some due  
17 diligence in terms of cleaning it up properly. Because  
18 this does present a public health threat.

19           MR. MADSON: The only thing I can state to that  
20 is we are mitigating these problems throughout the  
21 California State Parks. Particularly around the Bay Area  
22 we have several parks that have landfills like this. And  
23 we're applying whatever budgetary issues we can to deal  
24 with those problems. We're doing our best.

25           COMMITTEE MEMBER WIGGINS: I would like to hear

1 from the lady from the California State Parks.

2 MS. HASTINGS: Marla Hastings, Senior Environment  
3 Scientist for the California State Parks.

4 Candlestick Point is a very unique place. It's  
5 not the only landfill we own. We have Benicia, South  
6 Hampton Bay, which is also Benecia's Municipal Landfill.  
7 It's a natural preserve. It's in the tidal marsh. Some  
8 of the Board staff came and consulted with us this last  
9 year on that location as well.

10 And you're correct, Member Wiggins. We do not  
11 have any funding to deal with some of these sites. But we  
12 have been working with your Board professional staff  
13 members.

14 State Parks has a mixed mission. You know, our  
15 mission statement is to preserve and protect the most high  
16 quality, natural, and cultural resources while providing  
17 high quality public recreation. Candlestick Point is a  
18 very unique site. We're out of our league, folks. We  
19 have done everything we can do within reasonable man and  
20 women power along the City of San Francisco. So we're  
21 asking for some immediate assistance. We will continue to  
22 squirt foam and water on this within our meager resources  
23 that we have. We are not fire trained professionals.

24 I oversaw our field staff over Labor Day Weekend.  
25 Call me every afternoon. Tell me how you're doing.



1 Please don't call the City unless you need to. They are  
2 busy. They have their hands full. If you have the  
3 professional staff and are capable of assisting us, that's  
4 what we're asking for.

5 I would be happy to answer any questions about  
6 the resource space or about the park.

7 CHAIRPERSON BROWN: Thank you.

8 Any more questions?

9 SUPERVISOR MINDERMAN: Madam Chair, just one more  
10 point.

11 Wes again from the Solid Waste Management  
12 Program.

13 I did want to make the poin -- you raise a very  
14 good issue about State Parks acquiring property in the  
15 condition of that property. I can state for a fact the  
16 Solid Waste Cleanup Program has been involved in several  
17 projects that State Parks was interested in acquiring,  
18 namely the Fort Bragg remediation project that was  
19 recently done by the Board which ultimately after the  
20 cleanup became part of the MacKerricher State Park. We've  
21 been involved with land fronts, which purchased property  
22 to put it into public hands. And before State Parks  
23 acquires that property, they do require that it have a  
24 clean environmental bill of health. So that is currently  
25 State Parks' property. Obviously, it was a little more

1 relaxed in 1970. But just to --

2 CHAIRPERSON BROWN: I think the concern was just  
3 if there was a responsible party that should have closed  
4 this properly before State Parks, that was my only thing.  
5 We're not questioning it. We certainly recognize that the  
6 Parks Department is stretched thinner than most any agency  
7 or department in the entire State government. We know  
8 that you have expertise in other areas.

9 I think my frustration and concern before we  
10 close this discussion was only that maybe the responsible  
11 party did not clean this up properly before the State  
12 acquired it. And I'm glad to hear that.

13 SUPERVISOR MINDERMAN: We will be investigating  
14 that and determining if there were responsible parties  
15 prior to the State's acquisition.

16 CHAIRPERSON BROWN: Thanks, Wes.

17 Can I have a motion on this item?

18 BOARD MEMBER MULÉ: Madam Chair --

19 STAFF COUNSEL BLOCK: Madam Chair.

20 CHAIRPERSON BROWN: We actually need to first  
21 vote to take up this item.

22 STAFF COUNSEL BLOCK: So let me just to try to  
23 make this easier. You would need to have a motion that  
24 the Board believes there exists a need to take immediate  
25 action and then that need came to your attention after the

1 normal ten-day notice period.

2 COMMITTEE MEMBER WIGGINS: I'll move that. I  
3 move that the Board consider Agenda Item 23, Consideration  
4 of Approval of First Phase of Remediation Project of the  
5 Last Rubble Pile Disposal Site under Solid Waste Disposal  
6 and Co-Disposal Site Cleanup Program.

7 BOARD MEMBER MULÉ: Second.

8 CHAIRPERSON BROWN: It's been moved by Member  
9 Wiggins and seconded by Member Mulé we take under  
10 consideration this item. Call the roll.

11 EXECUTIVE ASSISTANT GARNER: Danzinger?

12 BOARD MEMBER DANZINGER: Aye.

13 EXECUTIVE ASSISTANT GARNER: Mulé?

14 BOARD MEMBER MULÉ: Aye.

15 EXECUTIVE ASSISTANT GARNER: Peace?

16 BOARD MEMBER PEACE: Aye.

17 EXECUTIVE ASSISTANT GARNER: Petersen?

18 BOARD MEMBER PETERSEN: Aye.

19 EXECUTIVE ASSISTANT GARNER: Wiggins?

20 COMMITTEE MEMBER WIGGINS: Aye.

21 EXECUTIVE ASSISTANT GARNER: Brown?

22 CHAIRPERSON BROWN: Aye.

23 Now we need to adopt the Resolution.

24 BOARD MEMBER MULÉ: Madam Chair, I'd like to move  
25 Resolution 2006-179.

1 BOARD MEMBER PEACE: Second.

2 CHAIRPERSON BROWN: It's been moved by Member

3 Mulé and seconded by Member Peace.

4 EXECUTIVE ASSISTANT GARNER: Danzinger?

5 BOARD MEMBER DANZINGER: Aye.

6 EXECUTIVE ASSISTANT GARNER: Mulé?

7 BOARD MEMBER MULÉ: Aye.

8 EXECUTIVE ASSISTANT GARNER: Peace?

9 BOARD MEMBER PEACE: Aye.

10 EXECUTIVE ASSISTANT GARNER: Petersen?

11 BOARD MEMBER PETERSEN: Aye.

12 EXECUTIVE ASSISTANT GARNER: Wiggins?

13 COMMITTEE MEMBER WIGGINS: Aye.

14 EXECUTIVE ASSISTANT GARNER: Brown?

15 CHAIRPERSON BROWN: Aye.

16 Thank you very much, especially the Parks

17 Department, for sitting through this lengthy Board

18 meeting. We appreciate that.

19 BOARD MEMBER MULÉ: Before I leave, I would like

20 to mention we are going to be working with the Board for a

21 long-term cleanup of the property. And I would suggest

22 that before we do anything out there, it might be a good

23 idea for you to take a field trip out to Candlestick Park.

24 The entire park is nothing but a landfill.

25 CHAIRPERSON BROWN: Thank you very much.

1           That concludes our regular business and now the

2 Board will proceed to closed session. Thank you.

3           (Thereupon the California Integrated Waste

4 Management Board recessed into closed

5 session at 2:03 p.m.)

6           (Thereupon the California Integrated Waste

7 Management Board adjourned at 2:30 p.m.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Please note: These transcripts are not individually reviewed and approved for accuracy.